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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
New York, 17 January - 4 February 1994
Item 4 of the provisional agenda*

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Reports provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

INTERNATIONAL LABOUR ORGANIZATION

Introductory note

On behalf of the Committee, the Secretariat invited the International Labour Organization on 22 June 1993 to submit to the Committee by 1 September 1993 a report on information provided by States to the International Labour Organization on the implementation of article 11 and related articles of the Convention which would supplement the information contained in the reports of those States parties to the Convention on the Elimination of All Forms of Discrimination against Women which will be considered at the thirteenth session. These are the latest reports of Barbados, Colombia, Ecuador, Guatemala, Guyana, Japan, Libyan Arab Jamahiriya, Madagascar, the Netherlands, New Zealand, Norway, Senegal and Zambia.

CEDAW/C/1994/1.

Other information sought by the Committee refers to the activities, programmes and policy decisions undertaken by ILO to promote the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women.

The report annexed hereto has been submitted in compliance with the Committee's request.

Part I of the report contains information about the policies, programmes and activities of ILO that promote implementation of the provisions of the Convention which fall within the scope of activities of ILO. Part II of the report contains information on the implementation of the relevant parts of the Convention by States parties whose reports are on the agenda of the thirteenth session of the Committee on the Elimination of Discrimination against Women (CEDAW). This information supplements the information contained in the reports of the States parties.

As concerns the application of States parties of the relevant articles of the Convention, the report indicates, for each country, the relevant ILO Conventions which it has ratified. In addition, it supplements the report, wherever appropriate and possible, by referring to information supplied by the Government in its reports to ILO under article 22 of the ILO Constitution on the application of the relevant ratified Conventions and in its reports under article 19 of the ILO Constitution on the application of non-ratified Conventions and Recommendations. Where appropriate, reference is also made to observations or requests made by the ILO supervisory bodies - the Committee of Experts on the Application of Conventions and Recommendations, and the Committee on the Application of Standards of the International Labour Conference.

Annex

REPORT SUBMITTED BY THE INTERNATIONAL LABOUR ORGANIZATION TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION*

[Original: English/French/Spanish]

PART I

ILO activities, programmes and policy decisions which promote the implementation of the Convention

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* This report has been reproduced in the form in which it was received.

Activities, programmes and policy decisions of the ILO which promote the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women

(Since the Twelfth Session of the Committee on the Elimination of Discrimination against Women)

1. During the 1992-93 biennium, issues concerning equality of opportunity and treatment for men and women in employment have increasingly featured as an integral part of policies and measures promoted by the Office in all labour matters.

2. Key areas of ILO action for the advancement of the status of women workers are:

(i) To assist member States in the adoption of comprehensive national strategies for the promotion of full equality for women in employment, as requested by the resolution on ILO action concerning women workers, adopted in 1991. This involves assistance for: the design of national policies and instruments for their implementation; the adoption, revision and enforcement of appropriate legislation, based on international labour standards; the implementation of practical measures, including positive action; and the promotion of tripartite dialogue and involvement concerning equality.

(ii) To develop the institutional capacity of member States for the promotion of equality, by strengthening the national machineries on equal opportunities, by contributing to gender sensitization in governments and in employers' and workers' organizations, and by promoting national, regional and international linkages and exchanges of experiences for the development of support networks.

(iii) To alleviate poverty and the situation of particularly vulnerable groups of women, by improving women's access to employment, entrepreneurship, training, organization and social protection.

(iv) To promote the participation of women in decision-making at all levels, in particular in governments and in employers' and workers' organizations.

3. A major initiative in 1992-1993 has been the implementation of the inter-departmental project on equality for women in employment. Its main

objectives are: (1) to enhance the effectiveness of legislation in promoting equal rights in employment, by ensuring practical implementation and by identifying and revising legal provisions which sustain direct or indirect discrimination against women in employment; (2) to increase awareness of the obstacles to equality in the labour market, examine the reasons for the existence and persistence of these obstacles and propose ways of reducing and removing them; and (3) to examine policy options, strategies and practical measures that can be used by ILO constituents in order to promote equality.

4. The wealth of knowledge being accumulated by the interdepartmental project is providing new insights into crucial aspects of gender inequality: improved methodologies and statistical data for measuring wage differentials as well as job segregation; women's employment in flexible labour in countries undergoing structural adjustment and opening to a market-oriented economy; law and practice regarding maternity protection; strategies for dissemination of information on women's legal rights and procedures to implement the rights set out in law, in particular the right to equal pay; equality for women in social security systems and social protection for women workers in the unorganized sectors; new communication strategies for diversifying women's skills and occupations; protection against sexual harassment at the workplace; participation of women in trade unions; collective bargaining practices concerning equality; and experience with affirmative action measures and practical activities to promote equality in labour-related fields.

5. The project's achievements to date include a number of publications, working papers and other reports; the organization of promotional seminars; and the dissemination of its outputs to relevant bodies and individuals within and outside of the United Nations system. Among the outputs are: A Conditions of Work Digest, Combating Sexual Harassment at Work published in September 1992, which examines the issue in industrialized countries and reviews legal instruments, policy statements, directives or guidelines adopted by governments, workers' and employers' organizations, women's and other groups on sexual harassment at work. Furthermore, it analyses the various programmes developed to raise awareness of the problem and to promote action against it; a volume on Comparable Worth: An International Perspective (forthcoming publication); a draft report on the Trade Unions' Role in Organizing Women in the Unorganized Sectors (informal and rural); and an article on "Sexual Harassment Law in Employment: An International Perspective" in International Labour Review, vol. 131, No. 6. Numerous working papers have also been produced and are listed at the end of Part I of this report. Other draft reports have been prepared on women and trade unions in Trinidad and Tobago, the unionization of women workers in the different economic sectors of South Africa, positive action measures in various countries including case studies and provisions in collective agreements to

promote equality. An Information Kit (video, pocket guide, ABC practical guide) and Modular Training Package on Women Workers' Rights has been produced by the project. An Interregional Seminar on Effective Information Dissemination Strategies on Women Workers' Rights was held in June 1993, at Turin, to pretest the Information Kit and Modular Training Package on Women Workers' rights and to, inter alia, identify the essential elements that should go into both the adaptation of the materials to specific regional contexts and also into a comprehensive dissemination of the materials. This package will be available soon in our regional offices.

6. The results of the interdepartmental project will be examined at the International Forum on Equality for Women in Employment in a Changing World, to be held in April 1994. The Forum will, inter alia, examine the trends, challenges, setbacks and opportunities arising in the area of women's work in response to changes in economic and institutional structures; analyse the options and approaches required to respond to these challenges; and identify the elements of an agenda for future action by the ILO and its tripartite constituents. This Forum will constitute an integral part of the ILO's contribution to the World Conference.

7. Activities outside the interdepartmental project on equality for women in employment included women workers' concerns in a variety of areas: the elaboration and supervision of international labour standards, employment and structural adjustment in developing countries and on those in transition to a market economy; assistance to member States to alleviate poverty; improvement of working conditions and occupational safety and health; training and technological transfer; entrepreneurship and management; cooperatives and self-help groups; workers' education; employers' activities; labour statistics and information.

8. Several points of the 80th session of the 1993 International Labour Conference were of particular relevance to women workers. The first of two discussions was held to elaborate international labour standards on part-time work; a resolution on the function of the ILO in technical cooperation which gives special importance to the inclusion of gender concerns in all technical cooperation activities was adopted (a copy of the Resolution is attached as Annex I); and the Committee on International Labour Standards held a lengthy discussion on the 1993 Committee of Experts' General Survey on ILO Convention No. 156 and Recommendation No. 165 concerning Workers with Family Responsibilities. This Survey reviewed member States' law and practice concerning this subject and identified obstacles to as well as future prospects for ratification of the Convention. The number of ratifications for Convention No. 156 now stands at 20 countries.

9. The participation of women in decision-making is considered as the key means for ensuring effective and sustainable equality of opportunity on the grounds of sex. Through training and gender-awareness raising activities, the ILO has focused on promoting the participation of women in management and decision-making in governments and employers' and workers' organizations. Particular emphasis has been put on improving the participation of women in ILO meetings and activities. Responding to the request of the Committee on Discrimination of the Governing Body in this regard, and following its decisions at its 256th session in May 1993, the Office has launched a series of measures addressed at encouraging ILO constituents to appoint more women in delegations to ILO meetings, and at supporting women's participation in all activities. (A copy of the Governing Body Report (GB.256/12/23) is attached as Annex II.)

10. Furthermore, during the 80th Session of the International Labour Conference (June 1993) an informal gathering in honour of women participants was organized by the Office. The meeting, which included delegates as well as staff members, focused on the need for increasing the participation of women in all ILO meetings and activities and on ways for influencing governments and social partners to appoint more women as delegates. This meeting, chaired by Ms. M. Chinery-Hesse, Deputy Director-General, was the first of its kind and it is expected to be followed up at the 1994 International Labour Conference.

11. Selected ILO publications and/or documents related to the above-mentioned activities or other related activities are listed on the following pages.

ILO'S MAIN PUBLICATIONS ON WOMEN WORKERS 1992-1993

ILO. Conditions of Work Digest. "Combating Sexual Harassment at Work". Vol. 11, No. 1. Geneva, 1992.

Hastings, S.; Coleman, M. "Women Workers and Unions in Europe: An Analysis by Industrial Sector". ILO, IDP Women/Working Paper No. 4. Geneva, 1992.

Siltanen, J.; Jarman, J.; Blackburn, R. M. "Gender Inequality in the Labour Market: Occupational Concentration and Segregation: A Manual on Methodology". ILO, IDP Women/Working Paper No. 2. Geneva, 1992.

Lazo, L. "Homeworkers of Southeast Asia: The Struggle for Social Protection in the Philippines". Regional Office for Asia and the Pacific. Bangkok, 1992.

ILO. Technical Cooperation Promotion Branch. "Women in Development Policies of Multi-Bilateral Donors". Geneva, 1992.

Eaton, S. C. "Women Workers, Unions and Industrial Sectors in North America". ILO, IDP Women/Working Paper No. 1. Geneva, 1992.

Torrealba, R. "Trabajadoras Migrantes en el Servicio Doméstico en Venezuela". ILO, MIG/Working Paper No. 71.S. Ginebra, 1992.

ILO. CINTERFOR. "Participación de la Mujer en la Formación Técnica y Profesional en América Latina: Síntesis Regional". Montevideo, 1992.

Standing, G. "Cumulative Disadvantage? Women Industrial Workers in Malaysia and Philippines". ILO, WEP/Working Paper No. 60. Geneva, 1992.

ILO. Asian Regional Team for Employment Promotion; UNDP; Centre for Women's Development Studies, New Delhi. "Gender Dimensions of Employment and Wages in Selected Asian Countries: An Annotated Bibliography". New Delhi, 1992.

Ravaozanany, N. "Etude du Milieu pour Orienter les Activités Educatives du Bien-Etre Familial: Le Case de Madagascar". Labour and Population Working Paper No. 183. Genève, 1992.

Evans, A. R., "Women's Work and Family Welfare: Informal Women's Groups and Family Planning Information and Services". Labour and Population Working Paper No. 182. Geneva, 1992.

Shah, V. "Room for Improvement: A Study of Women Building Workers in Bombay". Construction Information Paper, No. 5, Geneva, 1992.

ILO. Standing Technical Committee for Health and Medical Services, 1st Session. "Equality of Opportunity and Treatment between Men and Women in Health and Medical Services". (ILO-STC/HMS/1/1992). Geneva, 1992.

ILO. "Ouverture sur l'Egalité des Chances: Stratégie Destinée Renforcer la Participation des Femmes dans les Projets de Coopération Technique". Femmes et Développement, Document No. 3. Genéve, 1992.

Nagaraj, S. Yahya, S. R. "National Machinery for the Integration of Women, Population and Development in Malaysia". LAPTAP Working Paper No. 11. Bangkok, 1992.

ILO. "Mongolia: Advancement of Mongolian Women: Findings and Recommendations of the Assignment on Co-operative Training". (ILO-MON/91/WO1). Geneva, 1992.

Rahman, R. I. "Review of Women and Employment in Bangladesh". (ILORAS/86/071). New Delhi, 1992.

Leigh-Doyle, S. "Increasing Women's Participation in Technical Fields". (Training Discussion Paper, No. 90). Geneva, 1992.

Medel-Anonuevo, G. "National Machinery for the Integration of Women, Population and Development in the Philippines". (LAPTOP Working Paper No. 8). Bangkok, 1992.

Wainerman, Ch. "Improving the Accounting of Women Workers in Population Censuses: Lessons from Latin America". (Population and Labour Policies Programme, Working Paper No. 178). Geneva, 1992.

Zegers, M. "Strategies for Women and Development in the Republic of Congo". (Labour and Population Series for Sub-Saharan Africa, Working Paper No. 14). Geneva, 1992.

Oberai, A. S. ILO-UNFPA. "Assessing the Demographic Impact of Development Projects: Conceptual, Methodological and Policy Issues". London, Routledge, 1992.

ILO. "Workers with Family Responsibilities". International Labour Conference, Report III. Geneva, 1993.

Folbre, N. "Women and Social Security in Latin America, the Caribbean and Sub-Saharan Africa". (ILO-IDP WOMEN/Working Paper No. 5). Geneva, 1993.

Oppong, C. "ILO Standard Setting, Policy Studies and Technical Cooperation Relating to Population Issues and Women". (ILO-POP/Working Paper No. 185). Geneva, 1993.

MacPherson, C. "Women in Scientific Research in Australia: A Case Study". (ILO-SAP 4.13/Working Paper No. 50). Geneva, 1993.

Rassou, R. "Statistical Measurement of Gender Wage Differentials". (ILO-IDP WOMEN/Working Paper No. 3). Geneva, 1993.

Eyraud, F. "Equal Pay Protection in Industrialised Market Economies: In Search of Greater Effectiveness". Geneva, 1993.

Equality for Women in Employment

An interdepartmental project

Working Papers

IDP Women/WP-1	Women Workers, Unions and Industrial Sectors in North America	Susan C. Eaton
IDP Women/WP-2	Gender Inequality in the Labour Market: Occupational Concentration and Segregation, A Manual on Methodology	Janet Siltanen, Jennifer Jarman and Robert M. Blackburn
IDP Women/WP-3	Statistical Measurement of Gender Wage Differentials	ILO Bureau of Statistics
IDP Women/WP-4	Women Workers and Unions in Europe: An Analysis by Industrial Sector	Sue Hastings and Martha Coleman
IDP Women/WP-5	Women and Social Security in Latin America, the Caribbean and Sub-Saharan Africa	Nancy Folbre
IDP Women/WP-6	Les syndicats et les travailleuses dans le secteur non structuré: le cas des travailleuses domestiques à Recife, Brésil et des vendeuses sur les marchés à Ouagadougou, Burkina Faso	Marie Anderfuhren et Mamounata Cisse
IDP Women/WP-7	Organizing Homeworkers in the Informal Sector in Australia, the Netherlands and Canada	Jane Tate
IDP Women/WP-8	Collective Bargaining and the Promotion of Equality: The Case of South Africa	Catherine O'Regan Clive Thompson

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IDP Women/WP-9	El Hostigamiento Sexual en el Empleo Qué se ha hecho hasta ahora en Costa Rica?	Marta Eugenia Solano Ana Elena Badilla
IDP Women/WP-10	The Unionisation of Women Workers in Different Industrial Sectors in South Africa	Catherine O'Regan Bee Thompson
IDP Women/WP-11	Participation de la Mujer en los Sindicatos de Venezuela	Dilcia Balliarche Carlos Eduardo Febres

RESOLUTION CONCERNING THE ROLE OF THE ILO IN TECHNICAL COOPERATION

The General Conference of the International Labour Organization, meeting at its 80th Session (1993),

Having undertaken a thorough review of ILO operational activities on the basis of Report VI entitled "The role of the ILO in technical cooperation",

Bearing in mind the resolution concerning the role of the ILO in technical cooperation adopted at its 73rd (1987) Session; the resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment, adopted at its 79th (1992) Session; the resolution concerning rural employment promotion adopted at its 75th (1988) Session; the resolution concerning environment, development, employment and the role of the ILO, adopted at its 77th (1990) Session; and the resolution concerning adjustment and human resources development, adopted at its 79th (1992) Session,

Having regard to the resolution concerning self-employment promotion adopted at its 77th (1990) Session; the resolution concerning structural adjustment, industrial relations and economic and social development, adopted at its 78th (1991) Session,

Recalling resolutions 44/211 and 47/199 of the United Nations General Assembly concerning operational activities for development of the United Nations system, adopted in 1989 and 1992 respectively, its resolution 45/199 proclaiming the Fourth United Nations Development Decade, as well as recent decisions of the UNDP Governing Council on programme approach, national execution, and the new support cost arrangements,

Recalling the plan of action adopted at the Second United Nations Conference on Least Developed Countries in 1990,

Recalling Agenda 21 adopted at the United Nations Conference on Environment and Development in 1992,

Recalling Consultation (Industrial and National Levels) Recommendation (No. 113) adopted at its 44th (1960) Session and Employment Policy Convention (No. 122) adopted at its 48th (1964) Session,

Reaffirming that the tripartite structure is the unique strength of the ILO, enabling it to associate workers' and employers' organizations along with

Governments, in a genuine active partnership process which, in turn, broadens and enriches the operational activities carried out by the Organization,

Reaffirming the relevancy of the document, noted by the 252nd (March 1992) session of the ILO Governing Body concerning international labour standards and technical cooperation;

Adopts the following conclusions and invites the Governing Body of the International Labour Office to request the Director-General to give due consideration to them in the formulation, implementation and evaluation of the technical cooperation programme.

CONCLUSIONS CONCERNING THE ROLE OF THE ILO IN TECHNICAL COOPERATION

Introduction

1. Technical cooperation should remain a major means of action for the attainment of the objectives of the ILO, complementing other means of action, in accordance with its mandate defined in the Constitution, and in the Declaration of Philadelphia.

2. Technical cooperation should be implemented in accordance with the objectives of the ILO and the needs and priorities of the recipient countries and should be confined to the fields central to the ILO's competence, making full use of its comparative advantages and tripartite structure. The programme should furthermore focus on the strengthening of national capacities of developing countries in the fields of ILO competence to help them attain the goal of self-reliance.

3. Priorities for country-specific ILO technical cooperation activities should be identified at the country-level by relevant government agencies in close consultations with the most representative employers' and workers' organizations and the Office and other donors responsible for substantial programmes of technical cooperation in the country, as appropriate.

4. In view of the increasingly competitive development environment in which the Organization has to operate, every possible measure should be taken to strengthen its unique expertise obtained from its tripartite structure. This is to be achieved through the allocation of resources to the agreed priorities through the programme and budget process and the adoption of appropriate personnel policies supported by a need-based training programme which includes promotion of understanding of the concerns of the social partners.

5. ILO technical cooperation should be an integral part of the operational activities for development, and as such should be carried out in full coordination with the various programmes and agencies in the UN system in order to avoid unnecessary overlap and duplication, and bearing in mind the ILO's own distinct objectives and tripartite structure. Particular attention should be given to General Assembly resolutions 44/211 and 47/199, previously cited.

6. The Governing Body should intensify its efforts to monitor, review and evaluate the technical cooperation programme, particularly through its new Committee on Technical Cooperation. This process should include evaluation of

the overall programme and specific findings with respect to key programme areas. Programme evaluation should be based on rigorous methodology approved by the Governing Body through its appropriate committee. It would be desirable for the International Labour Conference to undertake a comprehensive review of the programme at regular intervals, at least every five years.

Objectives and priorities

(a) Substantive priorities

7. In the 1990s the ILO technical cooperation programme should focus on three major areas, namely, support for democratization, poverty alleviation which, inter alia, includes employment creation, and the protection of workers. They can be summarized as follows:

(a) The promotion of democratic and representative institutions based on a sound and equitable legal framework, consistent with the relevant international labour standards, should be in the forefront of ILO concerns.

(b) Full, productive and freely chosen employment is the most effective means of fighting poverty. Future technical cooperation activities should aim especially at helping ILO constituents to contribute to the formulation of economic policies which increase employment, ensure sustainable development and promote economic growth.

(c) Human resources development and training for employment continue to be priority concerns. ILO assistance should increasingly concentrate on strengthening national capacity to formulate a training policy closely linked to labour market analysis as well as on encouraging private-sector training, including training in entrepreneurship and enterprise development and promoting greater flexibility in public training systems. In this regard account should be taken of the Conclusions appended to the Resolution concerning adjustment and human resources development, adopted by the Conference at its 79th (1992) Session.

(d) In the field of social protection, particular attention should be paid to the development, reform, and wherever possible the extension of social security schemes, health care and social safety nets. Greater emphasis should be placed on improving working conditions, in particular for workers in hazardous occupations.

(e) Special attention should be given to the most vulnerable groups, emphasizing support for the development of employers' and workers'

organizations, to enable their effective participation in the process of development.

(f) The elimination of child labour should be pursued through a comprehensive approach based on the relevant ILO standards, tripartism, multidisciplinarity, and gender specificity. The abolition of forced labour and the protection of migrant workers and disadvantaged groups should be pursued vigorously.

(g) ILO assistance for the development of all major components of national labour administration systems, inter alia, by tripartite labour inspection evaluation missions should continue to be made available.

8. The promotion of gender equality in all development activities should be a basic concern of the ILO's technical cooperation programme. The application of gender-specific performance indicators should be integrated throughout the ILO's technical cooperation programme. It is essential, taking previous experiences into account, to ensure the full participation of women in the planning, design, implementation and evaluation of ILO development programmes and projects and to incorporate gender-specific criteria at all stages of the programme and project cycles. In the implementation of the programmes, particular attention should be paid to the ILO plan of action on equality of opportunity and treatment of men and women in employment, the resolution concerning ILO action for women workers adopted at the 78th Session (1991) of the International Labour Conference and the series of ILO Conventions and Recommendations designed to combat discrimination based on gender.

(b) Major modalities

9. In order to make the most effective use of the limited resources at its disposal the ILO should focus its technical cooperation programme on a selected number of priorities central to its mandate in accordance with the specific needs of the constituents in the recipient countries and thus ensuring that the Organization does fewer things better.

10. ILO technical cooperation should help the member States to achieve progress towards the ratification of ILO conventions and towards better application of international labour standards.

11. A renewed effort should be made to promote tripartism. Priority should be given to providing assistance to strengthen labour ministries and employers' and workers' organizations.

12. The ILO should do everything possible within its mandate to consolidate efforts geared to promoting viable and sustainable economic and social development of the least developed countries taking account of the programme of action adopted at the Second United Nations Conference on Least Developed Countries in 1990.

13. The ILO, in accordance with its mandate, should actively contribute to the implementation of Agenda 21 adopted in 1992 at the United Nations Conference on Environment and Development. Particular attention should be paid to the relevant recommendations of the ILO Tripartite Advisory Meeting on Environment and the World of Work held in November 1992. Concern for environmental aspects and impact should be integrated in all technical cooperation. Operational guidelines should be prepared to ascertain that environmental concerns are integrated at all stages of the programme and project cycles.

Synergy between international labour standards and technical cooperation

14. Technical cooperation should not be seen as separate from other means of action, especially standard-setting and research. They should complement and reinforce each other in pursuing the ILO's objectives, thus contributing to development. ILO standards should thus be used as guiding principles for ILO technical cooperation activities.

15. Sensitization activities on the close complementarity between ILO standards and technical cooperation should be increasingly directed beyond the ILO and aim at funds, programmes and agencies in the United Nations system both at the central and country levels, multi-bilateral donors, international and regional financial institutions, in particular the International Monetary Fund and the World Bank, ILO constituents, government officials and parliamentarians.

16. Within the ILO, the complementarity between ILO standard setting and technical cooperation needs to be implemented in order to promote economic and social progress through the ratification and effective application of international labour standards, in the spirit of positive and constructive responses to be given to the ILO's constituents, in accordance with the guidelines noted by the Governing Body at its 252nd Session (March 1992).

17. Greater use should be made of the ILO regular budget and other funds available for technical cooperation to promote such links between standards and technical cooperation.

Promotion of tripartism and social dialogue

18. In order to increase and sustain the democratization process in a growing number of countries, close consultations with employers' and workers' organizations on economic and social policy options are necessary. Given this trend, the ILO must be able to provide advisory services and training as requested, enabling these organizations to strengthen their capacity to collect and analyse information, effectively participate in social dialogue, and to assume their new responsibilities under national execution.

19. Every possible measure should be taken to ensure that the social partners participate in the planning, implementation and evaluation of various activities under the ILO technical cooperation programme. As appropriate, special efforts should be made to sensitize constituents to the concept and application of a tripartite approach.

20. Consultations with the UNDP should continue to strongly emphasize tripartite participation in UNDP-funded technical cooperation activities in the fields of ILO competence. In this regard, urgent and ongoing actions are required by both the ILO and the UNDP.

21. Multilateral and multi-bilateral donors should be encouraged to increase their contributions to programmes directly benefitting workers' and employers' organizations in the recipient countries.

22. Special efforts should be made by the Office to encourage member States to ratify and implement the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and apply the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152).

Key management issues

23. Given on the one hand, the many priorities indicated in these Conclusions and, on the other, the anticipated decline in funding and the clearly expressed need for the ILO to remain within its mandate, to make use of its comparative advantage and to do fewer things better, it is important to further develop a coherent ILO strategy for technical cooperation. Such a strategy should indicate clear priorities, feasible instruments for their attainment and a realistic time-frame. This will permit clear criteria for monitoring of progress by the Governing Body and the Conference and also ensure optimal use of scarce technical cooperation resources to achieve

maximum impact. Accordingly, such a strategy document should be presented to the Technical Cooperation Committee of the Governing Body as soon as possible, taking due account of the following key management issues.

(a) Funding

24. The ILO should continue to make every effort to ensure a steady and sufficient flow of resources for its programme, bearing in mind changing priorities and approaches. Consideration should be given to the best use of the UNDP Technical Support Services at the Programme Level (TSS1) facility both as a catalyst and a complement to research and policy advisory work under the ILO's regular budget. An appropriate amount of funds should be earmarked for RBTC which should continue to play a key role in the ILO technical cooperation programme. Priority attention should be given to those ILO activities central to the core mandate which do not attract sufficient extra-budgetary funds.

25. As the application of the national execution/implementation modality progresses, the level of resources made available by UNDP for ILO execution/implementation is expected to decline. The impact of this resource decline on the technical cooperation programme should be kept under constant review by the Governing Body with regular reports being presented to it for consideration and appropriate action.

26. Efforts should be made to establish and intensify collaboration with new multi-bilateral donors and with the European Communities, and generally to make the ILO's technical cooperation programme better understood and valued in donor and recipient countries alike. Special emphasis should be given to promoting the comparative advantage of the ILO as a channel for multilateral programmes, particularly with respect to its potential to ensure cohesion, complementarity, effective monitoring and evaluation mechanisms.

27. In contrast to stagnation and potential decline in official development aid flows, a greater amount of resources are being transferred to developing countries from international and regional financial institutions and, recently, through private sector flows. These trends are increasingly influencing economic and social development issues in developing countries Taking these developments into account, the Office should strengthen its dialogue with the financial development institutions in close collaboration with the Organization's tripartite constituents and pursue an active involvement in all relevant aspects and at appropriate levels of their operations, in order to promote the full incorporation of social objectives in the policies and operations of these institutions and to secure funding from these institutions for the ILO's involvement in those elements of their

programmes of technical cooperation in which the ILO can offer a comparative advantage.

28. The concept of partnership should be extended to donors financing the ILO's technical cooperation activities by (a) the continuance and expansion of member States seconding expertise at no cost to the ILO technical cooperation activities; (b) workers' and employers' organizations in developed countries making expertise and resources available for ILO programmes in respect of their counterparts in developing countries; and (c) fuller commitment to make expertise and resources available for technical cooperation among developing countries (TCDC) and countries in transition.

(b) Coordination

29. As a part of the United Nations system, and with its long experience in training, the ILO should fully support and contribute to the renewed system-wide efforts to strengthen national capacities of recipient countries and to enhance the coherence and impact of the operational activities of the system as a whole at the country level taking into account national development objectives.

30. In the pursuance of the new modalities such as national execution, programme approach, and greater emphasis on policy and programme-level advisory services, it is important to take full account of the capacities and needs of the recipient countries. An effective ILO technical cooperation programme should be conceived and implemented at the country level as a blend of policy-oriented research, policy advisory services and the execution/implementation of projects.

31. Care should be taken to ensure that the ILO's principles and concerns are fully reflected in an integrated UN response at the country level in accordance with the country objectives to be jointly identified with ILO tripartite constituents. Programmes must be coordinated carefully with other programmes delivered by the United Nations system. There must also be careful coordination with other multilateral and bilateral donor organizations involved in similar fields of technical cooperation within each recipient country.

32. The ILO should actively participate in the planned evaluation of the new UNDP support cost arrangements and keep the Governing Body fully informed of the outcome.

(c) Programme implementation and evaluation

33. There is a continuing need for enhancing the relevance, cost-effectiveness and impact of technical cooperation, consistent with the General Assembly resolutions 44/211 and 47/199. In this regard renewed efforts should be made to strengthen the functions of planning, monitoring and evaluation of all ILO technical cooperation activities both at headquarters and in the field, irrespective of their source of financing, within the framework of the active partnership policy.

34. The ILO should gradually derive project execution and implementation to the recipient countries themselves as and when they are prepared to assume such responsibility, while shifting focus to policy and programme level advisory services. In this process, the national capacity of the recipient country should be carefully assessed, in consultation with its social partners and with the funding agency as appropriate.

35. Particular attention should be given to monitoring the degree to which women are represented as beneficiaries within the ILO's technical cooperation work, both through programmes specifically directed towards them and through their participation in general programmes. This question should be the subject for ongoing consideration by the Governing Body Committee on Technical Cooperation to ensure that women are represented as fully as possible in all aspects of technical cooperation. ILO technical cooperation should be carried out in such a way as to promote the elimination of adverse discrimination.

36. Quality control of the design and formulation of technical cooperation programmes and projects should remain a major concern. However, good design is a necessary but not sufficient condition for the success of technical cooperation activities. Therefore, the ILO should pay closer attention, in cooperation with its partners, to developing adequate mechanisms for the identification and planning of programmes and projects at the country level and for the effective monitoring of their implementation.

37. Considerable experience has been gained from past technical cooperation activities, hence, there is a need for wide dissemination, both inside and outside the Organization, of lessons learned and for ensuring that these lessons are taken into account when planning and implementing future activities. The ILO's unique position as an integrator of tripartite perspectives and experience should be stressed.

38. The combination of self-evaluation and independent evaluations is considered a valid approach. Self-evaluation benefits from the technical knowledge and experience of those directly responsible for implementation,

allows for increased accountability and facilitates feedback. Independent evaluations which utilize outside specialists from the relevant ILO constituents, add objectivity and credibility to the overall evaluation and serve to make technical cooperation activities more transparent and comparable.

39. The long-term impact and the sustainability of technical cooperation activities should be pursued more systematically by undertaking comprehensive ex-post evaluations. The results of such evaluations could then contribute to ensure a more effective use of future aid resources.

40. In order to effectively respond to constantly evolving needs of recipient countries, a careful examination has to be made to select and assign the most appropriate expertise, bearing in mind that there is a growing need for increased use of national and regional experts for short-term assignments as a means of strengthening local participation aimed at achieving cost-effectiveness and sustainability.

41. ILO activities for the procurement of equipment and the subcontracting of services should be carried out in support of its substantive technical cooperation operations, aiming at providing the most appropriate type and quality of equipment and services at the lowest possible cost in accordance with established competitive procedures including also advice to constituents on market trends and technology, seeking to increase procurement from developing and underutilized donor countries and training assistance.

42. The ILO International Training Centre in Turin should continue to act as a key training instrument covering, among others, project-related training complementary to the technical services provided by other ILO programmes. It should also contribute to the design and implementation of various training activities within the United Nations system with particular emphasis on the ILO's core mandate, and strengthening the management capacity of recipient Governments and the social partners for technical cooperation and on fostering effective coordination and teamwork within the UN system itself. The Centre should also be fully utilized in various stages in the implementation of the active partnership policy.

43. In its efforts to promote technical cooperation among developing countries (TCDC), the ILO should focus on providing technical advisory services through regional, subregional, interregional and global exchanges. It should also encourage them to make greater effort to mobilize the necessary resources for self-reliance and equality.

Active partnership policy

44. An active and meaningful partnership between the ILO's constituents, on a tripartite basis, and the Office, in particular at the field level, should be established for the purpose of formulating technical cooperation programmes as part of an integrated programme covering all areas of action of the ILO for the benefit of member States.

45. The various elements of the active partnership policy including the formulation of country objectives and the deployment of multidisciplinary teams should be vigorously implemented and carefully monitored.

46. The proposed country objectives will provide a framework for the ILO's operations in a given country. In formulative objectives, full consultations should be undertaken with the tripartite constituents to ensure that their priorities and concerns are fully integrated in the objectives so identified. This would be without prejudice to the policy of the ILO to assist the social partners directly. The country objectives should contribute effectively to, and take account of national development plans and priorities and be coordinated with the country strategy supported by the international development partners. In drawing up the country objectives particular care should be taken to ensure that the authorities in the country concerned are fully committed to taking forward and where appropriate implementing the conclusions of any projects designed to offer advice on policy or planning.

47. The ILO should increasingly concentrate on the provision of policy advice and assistance for the development of local capacities for the planning, monitoring and evaluation of technical cooperation activities. In this connection the ILO needs to concentrate more on policy-oriented and evaluation research, and the results achieved through technical cooperation, in addition to methodological and conceptual research. ILO research and studies should increasingly be judged a success in terms of their relevance to policy application. Emphasis needs to be placed both on country-specific studies carried out at the regional level and on comparative research and analysis going beyond the geographical boundaries of MDTs, to be performed by headquarters.

48. The growing complexity of social and economic issues demands a multidisciplinary approach to the provision of policy advice and other technical services and the integration of specific disciplines in a practical approach to development needs. The ILO has already taken various measures to promote and apply a multidisciplinary approach including the implementation of inter-departmental projects, the establishment of multidisciplinary teams and conceptual work being undertaken. This effort should be continued and

intensified. The ILO should develop its conceptual framework and specific analytical tools to enable the effective application of multidisciplinarity.

49. Under the authority of the regional director, ILO offices should have responsibility for the identification of needs, in close consultation with the tripartite constituency, and for the management of ILO activities in the countries or subregions they cover, with the technical support of the multidisciplinary teams, and with appropriate support and overall guidance from headquarters.

50. The multidisciplinary teams should have clearly defined and structured objectives, and work plans which would permit evaluation of progress within a given time-frame. To ensure their most effective functioning, special attention needs to be given to team composition, coordination and management as well as training. The location and the composition of the multidisciplinary teams should be kept under constant review by the Governing Body so that they may effectively respond to the changing needs of the countries and regions. Special attention should be given by the Governing Body to ensuring that MDTs do include skills required to deal with particular issues such as child labour, social security issues and the transition to market economies.

51. The MDTs should be actively supported by the technical departments, interacting with headquarters' staff, other MDTs and other organizations within the United Nations system. As a consequence of the tripartite structure of the ILO, the employers' and workers' specialists within each MDT should, while working closely with other members of the team, report to their respective headquarters' bureau. Maximum collaboration with and use of local expertise and institutions should be promoted and periodically monitored by the Governing Body Committee on Technical Cooperation.

52. The progress in the implementation of the active partnership policy should be periodically reported to the Governing Body and included in overall evaluation of achievements and impact by the International Labour Conference, at least every five years.

INTERNATIONAL LABOUR OFFICE

GB.256/12/23
256th Session

GOVERNING BODY

Geneva,
27-29 May 1993

Twelfth item on the agenda

REPORT OF THE COMMITTEE ON DISCRIMINATION

1. The Committee on Discrimination met on 26 May 1993, chaired by Mr. J. Pedersen (Government, Denmark). Miss Hak was Employer Vice-Chairman and Mr. Tapiola Worker Vice-Chairman. On behalf of the Officers of the Committee, the Chairman regretted the passing away of Mr. Chanaiwa in February 1993, and paid tribute to his fine personality and to the valuable contribution he had made to the work of the Committee and of the ILO.

ILO activities for equality of opportunity and treatment of men and women in employment

2. The Committee had before it a paper[1] reporting on equality concerns in the Programme and Budget proposals for 1994-95, on progress made in the interdepartmental project on equality for women in employment, and on measures to increase the participation of women in ILO meetings.

3. The Employer Vice-Chairman welcomed the document: the Employers were pleased with the first part, which responded to the Employers' request and provided a good indication of the work being proposed in the Programme and Budget for 1994-95. The Employers had already expressed their views on the proposals in the Programme, Financial and Administrative Committee of the Governing Body. The position of the Employers concerning positive action was well known, but it was a minority position and her group hoped that more specific discussion would take place before taking a decision.

4. The Worker Vice-Chairman expressed hope that the present meeting would not be the Committee's last: there was in any case a need to intensify the work of the ILO in discrimination issues. He commended the paper prepared by

[1] GB.256/CD/1/3.

the Office, which provided a useful clarification regarding follow-up on equality issues, stressing the need for vigilance, monitoring and supervision. One major concern was the resource allocation to ensure that the valuable work done could be effectively pursued. He supported the integration of equality concerns in the implementation of the active partnership policy and in the work of the multidisciplinary teams. He trusted that the multidisciplinary team established in Budapest would be sufficiently equipped to deal with the situation of women, given the adverse effect that the impact of economic transition in Central and Eastern European countries was having on women workers. High unemployment in industrialized countries was also putting increasing pressure on women. He regretted the postponement to 1994 of the Tripartite Meeting on Social Security and Social Protection: Equality of Opportunity between Men and Women, but welcomed the work on sexual harassment. He fully agreed that the integration of gender concerns in mainstream activities could be diluted if it was not properly monitored, and an evaluation of improvements should be made over a period of time. Referring to the interdepartmental project on equality for women in employment, he requested further information on work being done on the role of trade unions in organizing unorganized workers.

5. Referring to the participation of women in ILO meetings, he proposed the following short list of measures that could be agreed upon: (i) training targeted at eligible and potential women delegates who have come to national positions by way of positive action; (ii) actively calling for the appointment of women as delegates and here he recalled the proposal by the United States Government to include information on the proportion of women in the workforce of the respective sector in invitations to industrial committee meetings; (iii) inviting women delegates to preparatory activities before meetings, which would have low cost and would positively affect the selection of women as delegates: the participation of men in such meetings could also be encouraged; (iv) informal gatherings for women participants, notified in advance to influence the choice of delegates; (v) inviting women as lecturers and speakers to meetings; (vi) making child-care facilities available - a feasibility study would allow careful examination of this issue. There was no consensus concerning quotas: coercive measures should be avoided, but discussion on measures concerning the composition of meetings and delegations should continue.

6. The representative of the Government of Canada was pleased that equality for women had been placed as the first item on the agenda, and hoped that this would not be the Committee's last meeting. The paper was good and informative, and she was pleased with the activities proposed for the next biennium. The work on sexual harassment was particularly welcome. The importance of this problem was only now being recognized, and her country had

gained experience in legislation and guidelines that were useful not only for the public sector, but also as a model for the private sector. The effects of structural adjustment programmes on women were also an important issue. Monitoring and evaluation were essential, and the Committee should be kept informed on the effect and impact of all activities so as to assess progress towards equality. As regards the interdepartmental project, job evaluation was a very important area, as it lay at the root of hidden discrimination and wage differentials. Affirmative action was needed at some stage in order to help eliminate obstacles to equality. This was not only a matter of social justice, but of the sound management of human resources. Concerning the participation of women in ILO meetings, she supported the proposal made by the Worker members, with the possible exception of inviting women to preparatory activities, as this might seem condescending. In fact, all new delegates, both men and women, could benefit from preparatory activities.

7. The representative of the Government of Denmark thanked the Office for the paper and confirmed the support of his Government for ILO action on equality for women. He underlined the need to take all possible measures to ensure that equality concerns were effectively included in the work of the multidisciplinary teams. He also supported the integration of equality issues in the three new interdepartmental projects to be implemented in the coming biennium. Interdepartmental projects had an important role in creating a new way of thinking in the Office, and their effect should therefore last longer than the two years in question. His country's position regarding positive action was well known, and although he could accept all the proposals made in paragraph 29 of the paper to increase the participation of women in ILO meetings, which were in line with the resolution adopted in 1991, everything could not be done at once. He therefore supported the proposal by the Worker members, with the exception raised by the representative of the Government of Canada. The financial implications of such measures could be covered from travel. While the idea of quotas raised some difficulties, this was not a valid reason to reject further discussion of it. If no significant progress took place, measures concerning changes in the organizational structure and functioning should be discussed again.

8. The representative of the Government of Germany welcomed the Office paper, which he considered concise and accurate, and which contained valuable information and important statements. Focusing on measures to increase the participation of women in ILO meetings, some proposals could be implemented, while others were not appropriate for international organizations. Measures should be restricted to appeals to Governments and to employers' and workers' organizations which sent delegations. Mandatory measures were not applicable, as quotas would create difficulties for recognizing delegations when they were not met. The measures identified in paragraph 29(b) were interesting, but not

sufficient. Even including equality issues in the agenda of meetings had not resulted in greater numbers of women participants, as had been seen at the last session of the Standing Technical Committee for Health and Medical Services, where none of the Officers were women, despite the high numbers of women in medical and health services. He shared the misgivings of inviting only women to preparatory activities, which could be useful for both men and women delegates participating for the first time. An enquiry should be made to assess the demand for child-care facilities from delegates coming from abroad.

9. The representative of the Government of the United States reiterated the support of his Government for activities for the promotion of equality for women and expressed appreciation for the Office's efforts. The interdepartmental project would serve to break down barriers between departments, and this should have a permanent effect.

10. The representative of the Government of Chile expressed strong support for the Office's efforts to promote equality for women. The paper provided a good basis for discussion. She supported the multidisciplinary approach adopted, and requested that countries be kept informed of progress made by the multidisciplinary team. With regard to measures to increase the participation of women, there was a need to define a clear system for monitoring and reporting and to ensure accountability. Sensitizing and lobbying men and women decision-makers could start immediately, and could be pursued effectively during the International Labour Conference. Statistics on men and women delegates could be compiled, and discussions for women to exchange their views could be organized during Governing Body meetings and the International Labour Conference. More concrete proposals could be more easily implemented.

11. The representative of the Government of Argentina joined other speakers in commending the work done by the Office. Equality issues were of extreme importance, and multidisciplinary teams should contain experts in women workers' questions. The ILO should actively contribute to the Fourth World Conference on Women, to be held in Beijing in 1995, and to its preparatory activities. Positive action was needed, as women were in a situation that required specific attention. He cited measures recently adopted in his country to ensure that 30 per cent of candidates on lists for elections were women. He supported all the concrete measures proposed in paragraph 29 of the Office paper.

12. A Worker member (Mr. Blondel) stressed the importance of the work of the Committee on Discrimination on this issue, which should be considered by the Working Group on Improvements in the Functioning of the Governing Body. He recalled the important role that trade unions could play in protecting women

in the unorganized sectors. Regarding the participation of women in ILO meetings, quotas could function for some Governments but would pose problems to others, as they would to the Workers' group. The level of interest in child-care facilities should be determined, not only among delegates attending meetings but also among Office staff. As delegates only came from time to time, child-care facilities would need to exist already and be temporarily expanded at the time of meetings.

13. The representative of the Government of the United Arab Emirates indicated his Government's support for all efforts made to advance towards equality between men and women, and in particular to the proposals contained in the report. Some proposals should be looked at in greater detail to ensure its effectiveness. The International Forum on Equality for Women in a Changing World: Challenges for the Future would perform important work that would have to be supported to continue the achievements for the Office in this area.

14. The Worker Vice-Chairman reiterated his group's interest in the composition of the multidisciplinary teams: he assumed that some of them would be headed by women. Regarding pre-Conference events for women, trade unions had international experience that this had a positive effect on the involvement of women. Such preparatory activities were useful for discussing the equality aspects of issues dealt with at the International Labour Conference and other ILO meetings, for example, part-time work at the forthcoming Conference. He recalled that child-care facilities were intended not only for women but for all delegates, and suggested that concrete options be explored, including the question of such facilities for the staff.

15. The Employer Vice-Chairman remarked that, regarding preparatory meetings, such had already been done. In the case of sectoral meetings, for example, the day before the meeting was devoted to meetings to introduce the ILO. Employers' delegates received information from their international organizations and in their own country on sectoral and other meetings and on the Conference work. It was the responsibility of the tripartite national delegations to explain the functioning of the ILO. She was not opposed to information sessions, but these should be open to all delegates and advisers. Regarding child-care facilities, she noted that the ILO had some facilities outside its premises. Nothing prevented the ILO from considering such a possibility within its premises. On the question of financial arrangements, some examples of how costs could be shared were given in the Conditions of Work Digest published by the ILO. The Office should study the issue and produce some concrete proposals.

16. A Worker member (Mrs. Carr) expressed concern at the composition of the multidisciplinary teams and their ability to deal effectively with equality concerns. Women should not only fill the posts of advisers on women workers' questions, as this would be discriminatory in itself. Women should also be appointed as specialists in other areas and should head some multidisciplinary teams.

17. A representative of the Director-General (Ms. Ducci, Special Adviser on Women Workers' Questions), responding to the questions raised, explained that an overall strategy was foreseen to address equality issues in the mainstream of the work of the multidisciplinary teams. Regional directors and team leaders were responsible for this, and specialists on women workers' questions had been placed in four multidisciplinary teams, one in each developing region. In accordance with ILO policy, all staff were responsible for integrating equality concerns in their respective work. In each multidisciplinary team, specialists in particular areas would also play an important role in promotion equality: in Budapest there would be no specialist on women workers' questions for the time being, but a woman had been appointed as a specialist in employment and would be in a good position to cover equality concerns. A woman had been appointed Director of the Caribbean multidisciplinary team, and special efforts were being made to appoint more women as specialists in various areas of multidisciplinary teams. Measures to increase the participation of women in ILO meetings had received general acceptance, and their implementation would require action not only by the Office but mainly by constituents themselves. She invited Ms. Date-Bah, manager of the interdepartmental project on equality for women in employment, to provide detailed information on the work done on the role of trade unions in organizing unorganized workers.

18. The Chairman thanked the members of the Committee for their valuable contributions. Summing up the discussion, the Chairman concluded that there was a consensus on a number of proposals contained in paragraph 29 of the paper presented by the Office.

19. The Committee recommends the Governing Body -

(a) to call on ILO constituents -

(i) to appoint more women as participants in ILO meetings;

(ii) to sensitize and lobby men and women decision-makers on equality issues;

(iii) to inform, prepare and train more women for participation and leadership;

(b) to request the Director-General -

(i) to invite women speakers and lecturers to ILO meetings;

(ii) to invite men and women participants in ILO meetings to preparatory activities immediately before meetings;

(iii) to organize informal gatherings for women participants during meetings;

(iv) to conduct further studies on arrangements for child-care facilities during ILO meetings.

PART II

Supplementary information on the following countries whose reports are on the agenda of the thirteenth session

- Barbados
- Colombia
- Ecuador
- Guatemala
- Guyana
- Japan
- Libyan Arab Jamahiriya
- Madagascar
- Netherlands
- New Zealand
- Norway
- Senegal
- Zambia

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth Session of CEDAW)

Barbados

(Also see the ILO report for the eleventh session of CEDAW.)

Relevant ILO Conventions ratified by Barbados

Barbados has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1974);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1974);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1976).

Supplementary information available to the ILO

1. Equality of remuneration

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation on the application of the Convention on Equal Remuneration, 1951 (No. 100), ratified in 1974:

> "The Committee had requested the Government to provide full information on the numbers of men and women employed in the various wage categories and to furnish any job descriptions adopted for those wage categories which did not indicate the jobs actually performed. It had also requested the Government to supply information on the measures taken, either alone or in cooperation with the social partners, to ensure the application of the principle of equal remuneration for work of equal value to men and women in the sugar industry and on the methods used to evaluate and classify jobs in the industry.

In its latest report, the Government states that it is not the practice to use gender as a basis for determining rates of remuneration in the country; and that jobs are analysed and rates of pay are determined on the basis of such criteria as the time spent on the job, the skills and qualifications required and job evaluation with the guidance of the ILO Standard Occupational Classification and the Barbados Standard Occupational Classification. The Government adds that the difference in pay between men and women in the sugar industry in based only on nomenclature and that, at the request of the Government, the parties to the 1983 collective agreement changed the relevant titles and reflected this change by stating in the agreement that 'where men and women perform identical duties, they will receive equal pay'. The Government also states that the question of vague job descriptions for general workers is expected to be addressed shortly when new management takes over the sugar industry.

The Committee takes due note of these indications. However, as the Committee has stated previously, the sex-differentiated job categories and wage rates established in the 1982 Order have evidently been maintained in the collective agreements concluded since that time, despite the removal of the references to sex in the classification of posts. Information which would suggest otherwise has not been made available. The repeated requests of the Committee have not elicited information either on the respective number of men and women occupying the relevant posts or on any measures taken to evaluate and reclassify those jobs, using non-discriminatory criteria. Moreover, the principle of equal pay, proclaimed in the 1984-85 agreement for the sugar industry, merely covers equal remuneration for persons performing 'equal work' (which is apparently tantamount to having identical duties), but falls short of the principle of the Convention, under which men and women shall be paid equal remuneration for work <u>of equal value</u>, implying a comparative evaluation of work of a different nature.

The Committee has also noted that no information has been provided on the other matters raised by the Committee in its previous observations, i.e. the progress of the Employment and Related Provisions Bill, which was to embody the principle of equal remuneration in terms similar to those of the Convention and measures taken to apply the Convention in practice, and in particular to monitor its implementation.

In these circumstances, the Committee again expresses the hope that the Government will take measures, in cooperation with the social partners, to ensure that the principle of the Convention is applied in full. In this regard, it urges the Government to consider the possibility of embodying the principle of equal remuneration for work of equal value in legislation applicable to all workers. It also hopes that strenuous efforts will be made to respond to the Committee's concerns in regard to the application of the principle in the sugar industry. The Committee again requests the Government to supply, in its next report, full and detailed information on any job descriptions adopted for those wage categories which do not indicate the work actually performed and on the methods used to evaluate and classify posts in this industry. Having taken account of the evident difficulties being faced in the application of the Convention, the Committee recalls its 1990 general observation, where it invited Governments to consider the possibility of requesting advice and technical cooperation from the International Labour Office".

2. Equality in employment

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made the following observation on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

"The Committee recalls that, following the Government's earlier indication on the unlikely prospect of adoption of the Employment and Related Provisions Bill, prepared in 1978 in order to give effect to the Convention, the Committee has requested information on measures taken, including any legislative provisions adopted, to apply the Government's declared policy of non-discrimination against women and to prohibit discrimination in employment and occupation in accordance with the Convention. The Committee trusts that the Government will be able in its next report to indicate further progress in this field".

The Committee hopes that the Government will make every effort to take the necessary actions in the very near future.

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Colombia

Relevant ILO Conventions ratified by Colombia

Colombia has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Maternity Protection Convention, 1919 (No. 3) (ratified in 1933);
- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1993);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1953;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 11) (ratified in 1969).

Information available to the ILO since the date of the first report submitted by the Government

1. Equal remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request regarding the application of the Equal Remuneration Convention, 1951 (No. 100):

> "The Committee notes that according to the decision of the Supreme Court referred to by the Government in its report, article 143 of the Labour Code cannot be interpreted as covering equal remuneration for work of equal value, as provided in the Convention. Consequently, the Committee hopes that the Government will take the necessary steps to amend article 143 of the Labour Code so that it clearly provides for equal remuneration for work of equal value".

2. Equality in employment

In its 1992 report on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government announced the adoption of a new constitution in 1991 which states:

> "Article 13. Everyone is born free and equal before the law and shall receive the same protection and treatment by the authorities and enjoy the same rights, freedoms and opportunities without discrimination based on sex, race, national or family origin, language, religion, political opinion or philosophy. The State shall promote conditions to ensure genuine and effective equality and shall adopt measures to protect disadvantaged or marginal groups.
>
> The State shall afford special protection to persons whose economic, physical or mental condition places them in circumstances of manifest disadvantage and shall punish abuses or maltreatment to which they are subjected.
>
> Article 25. Work is a right and a social obligation and shall, in all its forms, enjoy special protection by the State. Everyone has a right to work in decent and fair conditions".

Moreover, article 53 states that, in accordance with the minimum basic principles, the Labour Statute should provide equality of opportunity for workers and special protection for women, maternity and juvenile workers, inter alia.

Furthermore, the Government reports cases in some enterprises of discrimination against women, particularly women of childbearing age, in matters of maternity leave despite the efforts of the Ministry of Labour and Social Security to prevent such discrimination through inspections and surveillance. The Government adds, however, that there has been an increase in the percentage of women who are economically active: in 1964 it amounted to 10 per cent, in 1973, to 16 per cent and in 1985, to 33 per cent. It is expected to reach 42 per cent by 1995.

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation:

> "Discrimination based on sex. With regard to the comments of the Labour Federation (Central Unitaria de Trabajadores (CUT)) in 1989 on discriminatory practices based on sex, such as

requiring a negative pregnancy test before hiring a woman, lower wages for women and no protection against sexual harassment, the Committee notes with interest the Government's announcement that the Ministry of Labour and Social Security is going to send up a bill that will expressly prohibit the practice of requiring a pregnancy test before considering a woman for employment and is also going to distribute a circular to labour inspectors instructing them to see to it that there is no discrimination based on sex and no sexual harassment. The Committee hopes that the bill will be enacted and the circular sent out as soon as possible and requests the Government to supply copies of both when they become available.

The Committee once again expresses the hope that the Government will submit information concerning the practical application of decree No. 1398 of 1990, which is aimed inter alia at eliminating discrimination against women in employment and provides for the inspection and surveillance of education and training".

3. Maternity protection

In its 1992 report on the application of the Maternity Protection Convention, 1919 (No. 3), the Government offers the following information:

"As things stand, our labour regulations provide that women workers 'shall be entitled to 12 weeks of leave, provided that such leave shall begin at least two weeks prior to confinement'. When the leave begins prior to confinement, the remaining ten (10) weeks shall be taken after confinement, thus fully complying with subparagraph (a) of article 3 of the Convention which states that women shall not be allowed to work for six weeks following confinement' (underscored out of context). Thus, there would be a grace period of at least four (4) weeks.

However, from the practical point of view, we cannot ignore the fact that the general rule for both government and private employees is that leave, or better yet, incapacity certified by a doctor for reasons of maternity, does not begin until the date of confinement. In special circumstances (complications in the pregnancy) occurring prior to the date of probable confinement, it is common practice for the attending physician simply to certify an incapacity for work for the days he deems necessary. Thus, the

woman worker has twelve (12) full weeks from the time of confinement to be with and to care for her child.

With regard to granting a weeks' leave to the spouse or permanent companion of the woman worker, the Labour Committee's rule is clear: the subparagraph of article 34 of decree No. 50 of 1990 states that the woman worker who takes paid leave when her child is due may reduce the period of leave to eleven (11) weeks and cede the remaining week to her spouse or permanent companion so that the latter may be present to take care of her when the child is born".

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made the following observation:

"With reference to its previous comments on the territorial scope of the social security system, the Committee has noted with interest that a bill that introduced substantive changes in the social security system will be put before the Congress at its current session. The Committee hopes that the bill will be passed in the near future and will extend the scope of the system, particularly maternity protection, to the entire country and to all workers covered by the Convention. The Government is requested to report on the progress made towards that goal".

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Ecuador

(Also see the ILO report for the eighth session of CEDAW.)

Relevant ILO Conventions ratified by Ecuador

Ecuador has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1954);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1957);
- Maternity Protection Convention (Revised), 1952 (No. 103) (ratified in 1962);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1962);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1972);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1969);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1977).

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In its 1991 report on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government supplied the following information:

"Article 78 of the Labour Code, which provides for equal pay for equal work without discrimination based on sex plainly guarantees that sex does not enter into consideration in determining wages. Ecuadorian legislation is therefore in compliance with article 1(b) of the Convention and should be so construed by the Committee of Experts since differences in rates of remuneration determined as a result of an evaluation without regard for sex cannot be contrary to that principle.

On the other hand, with regard to article 2 of the Convention, job evaluation can never force workers to justify their performance because that would be violating the constitutional rule mentioned earlier, which expressly prohibits all forms of discrimination.

In practice, job evaluation is becoming the rule in the government administration and in private enterprises. The hope is that it will gradually become more objective and technically efficient.

The phrase 'equal remuneration for work of equal value' should not be regarded as restrictive, that is, as applicable to 'identical jobs', as suggested by the Committee of Experts, in order for them to be considered of equal value; it is sufficient for them to be 'similar' in essence".

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

"In the circumstances, the Committee hopes that the Government will take the necessary steps to modify the substance of article 78 of the Labour Code so that it will provide expressly that equal remuneration should apply also to work of a different nature but of equal value in conformity with the Convention. The Committee requests the Government to indicate the steps it has taken to that end in its next report".

Equality in employment

In its 1991 report on the application of the Discrimination in (Employment and Occupation) Convention, 1958 (No. 111), the Government provides the following information:

"The agencies of the Government have taken firm action to bring about reforms aimed at reclaiming the rights of women in conformity with the spirit of the Political Charter. Among them are such drastic changes as the recent passage of the law revising the Civil Code, or the bill to overhaul the Business Code, which would afford Ecuadorian women access to new fields of economic activity previously closed to them. That was the spirit in which article 11 of the law on cooperatives was conceived; its paragraph (c) entitles married women to membership in any cooperative with no restrictions. But the revision of article 11 of the law on cooperatives effective through Supreme Decree No. 3688-A and published in Official Register No. 892 of 9 August 1979, turned out to be a step backward in the progressive trend referred to above. It deleted the reference to married women and provided that membership in cooperatives was open to (a) those with civil capacity to enter into contracts and other obligations; (b) minors under 18 and persons under guardianship or tutorage must apply for membership through their legal representatives. The result has been that now married women who are not separated or excluded from owning property must obtain permission from their spouses before they can belong to housing, farming or family truck garden cooperatives and, in general, cooperatives in which they acquire property.

That restriction violates article 19, paragraph 5, of the Constitution and must be removed in order to bring the law on cooperatives into line with the fundamental law of the State, which commands equality before the law and prohibits all forms of discrimination based on race, colour, sex, language, religion, political or other affiliation, social origin or economic status or birth. It clearly stipulates that women, irrespective of their civil status, have the same rights as men in all spheres of public, private and family life and especially, in civil, political, social and cultural life. We have therefore drafted and are seeking passage of the bill to revise the law on cooperatives and the Business Code".

In its 1993 report, the Government indicated that the necessary legislative provisions have not yet been adopted.

With regard to women's and grass-roots organizations, the Government supplies the following information:

"The Ministry of Social Welfare, through the Women's National Council (DINAMU), in addition to promoting training and productive projects, intends to strengthen women's and grass-roots organizations. To that end, it is offering support, training and advice in the creation of new organizations and working with the legal department to get them recognized as legal persons. The mechanism chosen is direct contact with concerned women to discuss objectives that will induce them to become members. In this campaign of institutional strengthening, support has also been extended to established women's organizations by initiating or encouraging specific projects in both the urban and rural sectors.

With regard to the 1991 request of the Committee of Experts on the Application of Conventions and Recommendations about the action taken by the Ministry of Social Welfare for the advancement of the indigenous population and for the implementation of the principle of equality of opportunity and treatment, the Ecuadorian Government is complying with its obligation by reporting to the Committee that the Under-Secretariat for Rural Development, a division of the Ministry, has launched a powerful strategy in the form of a National Plan for Rural Development, PROMADER. The objectives of the Plan were to increase production and productivity in the rural areas, to raise the levels of employment and income and the standards of living, to improve the road, irrigation and marketing infrastructure, to promote the participation of the farming community and to strengthen its organizations, to encourage better use and conservation of natural resources and to reinforce institutional capacity for planning and execution. The investment made in rural development between 1988 and 1992 came to $53,073 million".

3. Employment policy

In its 1993 report on the application of the Convention on Employment Policy, 1964 (No. 122), the Government supplied, inter alia, the following information:

"With regard to employment programmes, the Government observes that given the scope and complexity of the problems of Ecuadorian women, the Ministry of Social Welfare, through DINAMU, is trying to promote productive projects primarily employing women from marginal urban and from rural areas. The projects directed at women living in the poorest areas include those designed to convey competence in the use of appropriate technologies, credit

management, administrative skills, access to land and other productive resources, as well as:

(1) in the suburban sector: clothing manufacture, establishment of toy and ceramics workshops in a women's prison (Manabi Province); opening of a dressmaking shop in Guayas; establishment of bakery, pastry and sweets and home-made chocolate shops (Guayaquil canton);

(2) in the rural sector: the integrated development project (DRI-Mujer) enabled rural women to become self-sustaining by producing improved guinea pigs, potatoes, honey, fattened chickens, etc."

4. Human resources development

In its 1993 report on the application of the Convention on Human Resources Development, 1975 (No. 142), the Government stated that the Ministry of Social Welfare, through DINAMU, has promoted action to stimulate greater participation by women in social, economic, political and cultural affairs during the period 1988-1992. In addition to a number of roundtables and forum-panels on questions relating to women (illiteracy of farm and indigenous women, health, politics, violence), 26 events and training courses were offered for representatives of the Latin American women's movement, leaders and heads of women's organizations, community activists, representatives of local and grass-roots organizations. The events included the first gathering of black women.

Through these activities, the Ecuadorian Vocational Training Service (SECAP) provided instruction and training in 1991 to 18,491 women, and the same year, under the Workers' Training Programme, to 36,065 women, mainly in small family production units which consist largely of women heads of household.

5. Maternity protection

In its 1992 report on the application of the Maternity Protection Convention (Revised), 1952 (No. 103), the Government stated that:

"With a view to bringing national legislation into line with the provisions of article 4(1) of Convention No. 103, and considering that Law No. 133 of 21 November 1991 extended the period of maternity leave from 8 to 12 weeks, the Executive Council of the Ecuadorian Social Security Institute issued

resolution No. 783 of 14 April 1992 amending article 97, subparagraphs B and D of the Codified Statute of the Institute. The amendment extended the maternity cash benefit to twelve weeks or the equivalent of 75 per cent of the worker's final remuneration (paragraph B). Moreover, full medical care for the child during the first year of life, which previously did not allow a benefit for drugs, now included that benefit (paragraph D).

It should also be noted that the above-mentioned resolution provides that the maternity cash benefit covering the additional four weeks should be paid in full by the Ecuadorian Social Security Institute to workers who acquire that entitlement from the date when the Labour Code reforms take effect.

These amendments obviously benefit all working women, that is, those entitled under the compulsory social security system, including domestics, as well as those protected by rural social security.

In addition, the National Congress was requested to consider and send up a number of labour reforms that expressly include a provision extending the leave previously authorized to the actual date of confinement without reducing the post-natal leave period, thus bringing the legislation into line with national practice and article 3(4) of the Convention. Unfortunately, and despite many efforts to amend it by Law No. 133 of 21 November 1991, this change was not included in the Labour Code".

6. Maximum weight

In its 1974 report on the application of the Maximum Weight Convention, 1967 (No. 127), the Government supplied the following information:

"The labour legislation places specific restrictions on the employment of women and minors in the transport of loads, establishing a maximum weight considerably lower than that allowed for adult male workers, thus effectively reducing the employment of women and juveniles in the manual transport of loads".

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Guatemala

(Alo see the ILO report the twelfth session of CEDAW.)

Relevant ILO Conventions ratified by Guatemala

Guatemala has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1990);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1960);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1952);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1961);
- Maternity Protection Convention (Revised), 1952 (No. 103) (ratified in 1989);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1960);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1988);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1983).

Additional information available to the ILO since the ILO report to the twelfth session

1. Equal remuneration

The following amendments, inter alia, have been made to the Labour Code (decree No. 1441) in virtue of decree No. 64-92 of 3 December 1992 with respect to the application of the Equal Remuneration Convention, 1951 (No. 100):

"Article 3. Article 89 is amended to read as follows:

Article 89. The wage level for each category of work shall be established taking into account the intensity and quality of the work, the climate and living conditions.

Equal wages shall be paid for equal work performed on the job under equal conditions of efficiency and length of service in the same enterprise and shall determine the remuneration given the worker in exchange for his/her regular work.

In responding to the complaints from women workers of wage discrimination based on sex, the employer shall have to demonstrate that the work performed by the complainant is of inferior quality and value".

2. Equality in employment

With regard to the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the above-mentioned decree No. 1441 introduces the following amendments, inter alia, in the Labour Code:

"Article 11. Article 151 is amended to read as follows:

Article 151. Employers shall be prohibited from:

(a) Including, in announcing their offers of employment through any medium, a specific requirement that applicants for the position must state their sex, race, ethnic group and civil status unless the nature of the work is such as to require a person with specific characteristics. In the latter case, the employer must request authorization from the Labour Inspectorate and the National Office for Women.

(b) Differentiating between single and married women and/or women with family responsibilities for purposes of performing the work".

3. Maternity protection

With regard to the application of the Maternity Protection Convention (Revised), 1952 (No. 103), the following amendments, inter alia, have been made in the Labour Code in accordance with the aforementioned decree No. 1441:

"Article 11. Article 151 is amended to read as follows:

Article 151. Employers shall be prohibited from:

(c) Dismissing women workers during their pregnancy or nursing periods; they shall not be subject to dismissal except for justified reasons arising from gross non-performance of the duties specified in the contract, as provided in article 177 of this Code. In that event, the employer shall argue the case for dismissal before the labour courts, where he shall have to prove that the dismissal was warranted by such non-performance and he shall be precluded from enforcing it without express authorization in writing by the court in order to exercise her right to reinstatement in her job and to reimbursement for loss of earnings during the period in which she was unemployed.

(d) In order to qualify for the protection described in the previous paragraph, the woman worker must notify her employer of her condition. From that moment, she will enjoy provisional protection; for permanent protection she must submit a medical certificate within the following two months confirming that she is pregnant.

(e) Requiring pregnant women to perform work demanding considerable physical strength during the three months prior to confinement".

"Article 12. Article 152 is amended to read as follows:

Article 152. Working mothers shall be entitled to leave paid at the rate of 100 per cent of their earnings during the thirty days preceding confinement and the 54 days following confinement. They shall be entitled to accumulate the days that cannot be used prior to confinement and add them to their post-

natal leave period. Thus, working mothers will actually have eighty-four (84) days of leave during this period: ... (a)-(f)".

"Article 13. Article 153 is amended to read as follows:

Article 153. Women workers who are nursing shall be entitled to half an hour in the workplace twice during the working day for the purpose of feeding their children. They may accumulate the two half hours to which they are entitled and come to work one hour after the workday has started or leave one hour before it ends for purposes of nursing their children, sons or daughters. They shall be remunerated for that hour and failure of the employer to comply with this obligation will be duly penalized.

The nursing period should be calculated beginning the day the mother returns to work and should last ten (10) months after that day, subject to a doctor's order to extend it".

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

"Article 1 of the Convention. Article 27 of the organic law of the Guatemalan Social Security Institute (IGSS) and the Rules governing sickness and maternity protection (IGSS agreement No. 410), article 3, provide for the gradual extension of the social security system to different geographical areas and different categories of workers and employers. Article 80 of the Rules calls for extension of the system and IGSS coverage through separate agreements that will specify the places or geographical areas and the modalities for implementing the agreements. The Committee requests the Government to supply information relating to the extension of coverage of the social security system both geographically to the different departments and regions of the country and to the different categories of workers concerned (especially women workers in the public sector, agriculture, transportation and domestic workers). The information should indicate the steps taken or planned to extend coverage to all women workers protected by the Convention throughout the national territory.

Article 4, paragraph 1. Article 34 of the Rules governing cash benefits (IGSS decree No. 468) provides for a reduction in the pre-natal period during which cash benefits will be paid in

case of a premature birth. The Committee wishes to point out for the attention of the Government that, in certain cases, the effect of reducing that period might be that the total period during which cash benefits are paid would be shorter than the 12 weeks provided in the Convention.

Article 4, paragraphs 4, 5 and 8. The Committee notes that in application of article 10 of chapter I of the IGSS organic law and pending extension of the social security system to the whole of the national territory, women workers who are not covered should receive a minimum benefit in cash or in kind from their employers. In any case, employers are specifically obligated to pay them wages for the period of their maternity leave in compliance with article 152(b) of the Labour Code. Furthermore, under article 23 of the Rules on cash benefits, women workers covered by social security who fail to meet the requirement of a previous contributory period shall nonetheless be paid their regular wages. In that connection, the Committee recalls that under article 4, paragraphs 5 and 8, of the Convention, women who do not qualify for benefits shall be entitled to receive adequate benefits out of public assistance funds and in no case shall the employer be personally obligated to pay the benefits owed to the women he employs".

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Japan

(Also see ILO report for the seventh session of CEDAW.)

Relevant ILO Conventions ratified by Japan

Japan has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1956);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1967);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1986);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1986).

Supplementary information available to the ILO since the ILO report submitted to the seventh session

1. Equality of remuneration

In its report of 1989 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government declared that the difference between the starting salaries for male and female senior high school graduates did not necessarily imply a violation of the principle of equal remuneration, since it could be explained by different occupational structures between the two groups. The Government added that:

> "The Equal Employment Opportunity Law requires the employer to give equal treatment to men and women in the field of employment, and the Women's Bureau of the Ministry of Labour and its Prefectural Women's and Young Workers' Offices have been

endeavouring to get the purport of the said Law fully understood and implemented.

Because of this and other reasons, the securing of equal opportunities and treatment for men and women in the field of employment in respect of recruitment, hiring, job assignment, promotion, education and training, etc. have been promoted, and there were cases in which women were engaged in occupations where no women had been engaged in the past.

In addition, the Basic Policy concerning Measures for the Welfare of Women Workers (promulgated in June 1987), listed as one of the important tasks, provides for full implementation of the principle of equal wages for men and women stipulated in the Labour Standards Law. The period of implementation of this Basic Policy is five years from fiscal 1987 to 1991. Thus, efforts have continuously been made to date to get the principle of equal wages for men and women fully understood and implemented at the occasion of publicity activities and collective guidance for employers".

The Government also stated that:

- occupational classification which distinguishes "main or key" work and "supplementary work" (the establishment of which was noted in the Committee's previous observation) is primarily based on factors such as the content of job, which has no relation to sex, and that, therefore, different wage scales according to such an occupational classification do not run counter to the principle of equal wages for men and women. Since the Equal Employment Opportunity Act has come into force, in cases where women cannot have access to either of these occupational classifications without valid reasons, the Prefectural Women's and Young Workers' Offices give active administrative guidance, urging employers to comply with the obligation to make efforts as required by the law;

- concerning discriminatory treatment in respect of family allowances, housing allowances, etc. by reasons of workers being women is a violation of section 4 of the Labour Standards Act (statistical information with regard to the granting of fringe benefits to men and women workers is attached to the report);

- the number of violations of article 4 (Principle of equal wages for men and women) of the Labour Standards Law detected in the regular inspections made by the labour standards inspectors

(including inspections at the time of accidents; 170,686 cases in 1987, 162,659 cases in 1988) was 14 cases in 1987, and seven cases in 1988. In all such cases, recommendations were made to the employers concerned, who corrected the violations. In 1991, five cases were found.

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made the following observation:

"In comments made over the course of a number of years, the Committee has sought information which would enable it to ascertain the extent to which the application of the Convention has resulted in a narrowing of the wage differential between women and men. On the basis of the most recent information provided by the Government, the Committee notes that the starting salary of women upper secondary school graduates has narrowed to 94.7 per cent of that of men in the same position in 1990. A comparison made between male and female 'standard' workers (i.e. a worker who has remained employed by the same enterprise since graduation) of the same age and length of service who were graduated from upper secondary schools, revealed that the wages of women represented nearly 90 per cent of those of men in the 20's age group and 70 per cent in the 50's age group. The 'Basic Survey on Wage Structure', Ministry of Labour, June 1988 (which appears to be the source of this latter-mentioned data) reveals that wage differences, at least in the starting salaries, are levelling off among junior high school and high school graduates, and narrowing among university graduates. This same survey indicated, however, that women's average monthly cash earnings are about 60.5 per cent of those of men.

From the information supplied in the reports of the Government, the Committee observes that two primary reasons appear to account for the persistence of an important wage differential in average earnings and for the widening of the wage differential in relation to the age of women workers; the first being the seniority wage system, under which the employee's pay rises with the length of service in the same enterprise; and secondly, the fact that women are concentrated in lower paid jobs and are not accorded equal employment opportunities.

As concerns the seniority wage system, the Government had earlier stated that a change to a wage system based on job content would promote the principle of equal remuneration for men and

women by reducing the difference in earnings due to the shorter average length of women's service. It had pointed out, however, that both employers and workers recognized the merits of the seniority-based system and that it would have to be reformed gradually to avoid jeopardizing these merits. The Committee requests the Government to indicate whether there has been any progress towards a wage system based on job content. In order to ensure that the trend towards a narrowing of the wage differential at the entry level is maintained as those workers age, the Committee also requests the Government to indicate whether consideration has, or might be given, to introducing a system whereby seniority credits are awarded to women who break their careers for child-bearing or rearing, or in order to meet other family responsibilities.

In relation to overcoming pay inequalities through measures to promote equal opportunities for women workers, the Committee has noted the information provided in the Government's report concerning measures to implement the Equal Employment Opportunity Law, 1985. The Committee recalls that while this Law prohibits discrimination on the ground of sex in relation to vocational guidance, the payment of fringe benefits, the mandatory retirement age and retirement and dismissal on the ground of marriage, pregnancy and childbirth, it provides that employers 'should endeavour' to give equal opportunities to women and men in recruiting, hiring, assigning posts or promoting workers. The Committee has noted that under the Voluntary Check-up System on Employment Management for Women Workers, instituted by the Minister of Labour in 1988 (following which, persons to promote equal opportunities were appointed in 20,000 establishments) enterprises are not requested to analyse and submit reports on progress. However, a Basic Survey on Women's Employment Management revealed, among other things, that while 87.3 per cent of enterprises responded that there had been no change in three years in the number of women holding director-level posts, 74.8 per cent of enterprises indicated that they planned to improve women's employment status. Within the context of this survey, an analysis of the basic thinking about the assignment of female workers showed that 45.7 per cent of enterprises stated that they 'assign female workers to jobs in which they can display their characteristics and sensitivity as females', 23 per cent stated they assign females to all jobs and 16.7 per cent said they assign women to 'those jobs in which they can make the best use of their

special skills'; 7.9 per cent assign females only to subsidiary jobs.

In the light of these indications, the Committee requests the Government to give consideration, in consultation with the social partners, to taking additional measures to ensure that existing inequalities in recruitment, hiring, assignment and promotion, which appear to be somewhat responsible for the maintenance or continuance of the wage gap, are remedied.

Recalling that the Convention, by placing the comparison of jobs on the basis of the value of the work, necessitates the use of criteria to compare the value of the different work undertaken by women and men, the Committee requests the Government to indicate the measures taken or contemplated to ensure that jobs mainly performed by women are not given a lower value than jobs mainly performed by men, on account of subjective value judgements based on traditional notions concerning the respective qualities of men and women".

In 1992, the "Women's Network against Discrimination against National Railway Workers Union Members and Women" furnished the Office with their "Counter Report to International Comment on Civil and Political Rights, Japan Periodical Report (CCPR)", 2 November 1992, which mentions the gap between principles stipulated in the law concerning "Ensuring Equal Employment Opportunity for Men and Women", and the reality of the labour situation.

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation:

"In its last report, the Government states that its basic policy is to give effect in a strict way to the provisions of the ILO Conventions that it has ratified; and that it is doing its utmost to secure compliance with the requirements of Convention No. 100. In the view of the Government, the Committee's observation of 1992 did not recognize accurately the systems and actual situation in the country, and covered the whole issue of the differential in average wages between men and women, going beyond the matters dealt with in the Convention. The Government considers that in respect of this Convention, the Committee should limit its judgement to the issue of equal remuneration for work of equal value and that it should leave other issues, such as securing equal employment opportunities, to be taken up at another occasion.

The Committee takes note of this statement. It appreciates the Government's commitment to implementing the Convention, as evidenced by its sustained efforts to maintain a dialogue on the matter. In this regard, the Committee recalls its 1990 general observation, where it observed that most ratifying countries experience serious difficulties in applying the main requirement of the Convention.

In determining the application of the Convention, the Committee has been concerned to elicit information on the wages received by men and women and the wage differentials between men and women, as such data may indicate the existence of problems, thus providing a basis for further studies and measures to implement better the principle of the Convention.

The Committee has also sought information on the means used to apply the principle of equal remuneration for work of equal value. In its previous observation, the Committee had not suggested that the seniority wage system be discontinued. It had reflected a statement of the Government indicating that a change from a seniority wage system to one based on job content should promote the principle of equal remuneration for men and women. Consequently the Committee had requested information on the extent to which an objective appraisal of jobs - within the meaning of Article 3 of the Convention - might be introduced in the context of the seniority wage system, so that the value of the different jobs undertaken by men and women may be compared in terms of their actual content or requirements. The Committee had pointed out in this regard that such comparisons should use non-discriminatory criteria, to ensure that the jobs performed mainly by women are not ascribed a lower value than those performed by men.

The Committee notes the Government's statement that there is no national consensus that jobs performed mainly by women (as, for example, nursing) are given an unreasonably lower value in terms of their content than jobs performed mainly by men, on account of subjective value judgements based on traditional notions concerning the respective qualities of men and women. Consequently, no measures are being taken or contemplated from such a viewpoint. The Committee has, however, noted with interest that the Government has been providing counselling and assistance to enterprises which plan to improve the seniority wage system into a wage system based on job content, though information is not

available showing the extent of progress because of changes in the method of statistical surveys.

The Committee requests the Government to supply, in its next report, detailed information on the minimum or basic wage rates and the average actual earnings of men and women employed in different sectors or occupations (including those where one sex predominates) broken down by seniority and skill level, as well as information on the percentage of women and men employed in these different sectors or occupations. The Committee would also be grateful if the Government would continue to supply information on the measures taken to advise enterprises on the introduction of a wage system based on wage content, including information on the criteria used to compare and classify the jobs performed by men and women.

Regarding the relevance to the Convention of measures to promote employment opportunities for women, the Committee has pointed out consistently that a comprehensive approach concerning equality of opportunity and treatment in employment and occupation is of particular importance for the application of this Convention. As it observed in paragraph 252 of its 1986 General Survey on Equal Remuneration, the equal evaluation of work and equal right to all of the components of remuneration cannot be achieved in a general context of inequality. In this regard, the Committee notes the Government's statement that it is necessary to continue studying measures to further the aim of the Equal Employment Opportunity Law, 1985. The Committee requests the Government to indicate the measures which are taken or contemplated to encourage employers to give equal opportunities to women in recruitment, hiring, assignment and promotion, as employers do not have the obligation to do so under the Equal Employment Opportunity Law, 1985.

The Committee has noted that, in response to its suggestion of awarded seniority credits to women who have interrupted their careers to meet family responsibilities, the Government has referred to the provisions of the 1992 Law concerning child-care leave, which enables workers to take leave without resigning. The Committee requests the Government to indicate whether, in the case where a woman does take leave for family reason under the Law, she is re-employed at the same seniority level to which she would have been entitled had she not interrupted her employment".

2. Employment policy

In its first report of 1988 on the application of the Employment Policy Convention, 1964 (No. 122), the Government informed about the Sixth Basic Employment Measures Plan (BEM Plan) formulated in June 1988, as well as about different provisions related to employment policy.

In its report of 1992, the Government declared that:

"Six years have passed since the enforcement of the Equal Employment Opportunity Law, and the aim of the Law is steadily penetrating into the society. We note that large numbers of enterprises have improved their employment management along the requirements of the Law. For instance, in the case of recruitment, there have been sharp increase in the number of job openings which do not specify sex after the enforcement of the Law, and, as to hiring, the door has become widely open to female graduates of four-year universities who had faced serious difficulty in finding employment before the enactment of the Law. As to education and training also, an improvement was made in a fairly large number of enterprises as they changed the conventional practice to giving equal treatment to both men and women in the training of new employees after the enforcement of the Law, with the result that almost all enterprises have come to give equal treatment to men and women. Such changes are the outcome not only of the autonomous efforts made by enterprises to improve their employment management, but also of the advice and guidance given by the Women's and Young Workers' Offices for the purpose of ensuring compliance with the Equal Employment Opportunity Law and the guidelines based thereon, as was already informed to the ILO in our previous report. With respect to recruitment in particular, these offices have given advice and guidance in over 6,000 cases during the period of six years, including contacts with advertising agents, newspapers, magazines, etc. which handle help-wanted advertisements. We consider therefore that the practical effect of the Law is secured by these efforts of administrative agencies, although there are no penal provisions in the Law.

In addition, the voluntary check-up promotion system, which we reported to the ILO in our previous report as a measure taken for securing the practical effort of the Equal Employment Opportunity Law, has been enriched and expanded in four years,

showing that the persons in charge of promoting opportunity were appointed in about 46,000 establishments in fiscal 1991.

Moreover, under the Equal Employment Opportunity Law, the guiding principles which should form the basis of measures for realizing the fundamental idea of the Law are to be formulated as the 'Basic Policy concerning Measures for the Welfare of Women Workers'. In May 1992, the second Policy was formulated, and indicated the basic direction of measures to be taken in the five years to come.

As to part-time employment, a survey made by the Ministry of Labour found that the main reasons why women workers chose part-time work were (1) that they wished to work at a time suited to their convenience (58.9 per cent), (2) that they preferred to have shorter working hours and fewer working days (31.7 per cent), and (3) that they had to do household work and child care (23.1 per cent). It seems therefore that the statement made by the Committee that a great majority of the part-time work is occupied by women who have not voluntarily chosen that form of employment is not true to the actual state in Japan".

3. Human resources development

In its first report of 1988 on the application of the Human Resources Development Convention, 1975 (No. 142), the Government declared that with regard to vocational training conducted in enterprises, discrimination for reasons of nationality, creed, or social status was prohibited by article 3 of the Labour Standards Law, and that discrimination for reasons based on sex was prohibited by article 9 of the Law concerning promotion of equal opportunity and treatment between men and women in employment, and other welfare measures for women workers. The Government added that article 2 of the "Employment Security Law" referred to freedom of choice of occupation.

In its report of 1992, the Government provided the following information:

"In order to help women, who remain without jobs due to various restrictive conditions such as child care, household work, family care, etc., to take up re-employment, and utilize their abilities, public employment security offices specializing in employment service for women, which is called 'Ladies' Hello Work', have been established since fiscal 1991. Those offices register women who wish to work, provide them with employment

information while they are out of work, conduct vocational lecture courses, and give close employment counselling and services, etc.

There are many women workers who are compelled to resign from work for the purpose of child care because women workers shoulder the principal burden of child care. To cope with such a situation, the Law concerning child-care leave was established in May 1991 and enforced as from April 1992, as a measure for promoting the continuation of the employment of workers by helping to make their job and child care compatible. The main substance of the Law is to enable workers who bring up children under one year to take a leave for the purpose of child care".

4. Underground work

In its report of 1958 on the application of the Underground Work (Women) Convention, 1935 (No. 45), the Government declared that article 64 of the "Labour Standards Law" provides: "The employer shall not employ minors under full 18 years old or women in undergrcund labour".

In it report of 1985, the Government pointed out that:

"As regards a review of the provisions governing the protection of women of the Labour Standards Law, the Women's and Minors' Problems Council, composed of the representatives of the public interest, employers and workers, came up with a proposition, as attached, in March 1984. On the basis of this proposition, the Government of Japan decided to either relax or abolish the legal provisions governing the protection of women with a view to ensuring equal opportunity for men and women in employment, and it partially amended the Labour Standards Law in 1985".

The amended Law has been effective since 1 April 1986. This Law exempts:

"those who will engage in duties of medical doctors and nurses and duties of reportage for the press, which will be performed for temporary needs, except those who are pregnant and those who have not passed one year after childbirth and have informed their employers that they will not engage in the aforementioned underground duties".

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Libyan Arab Jamahiriya

(See also the ILO report for the twelfth session of CEDAW.)

Relevant ILO Conventions ratified by the Libyan Arab Jamahiriya

The Libyan Arab Jamahiriya has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Maternity Protection Convention, 1919 (No. 3) (ratified in 1971);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1962);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1962);
- Maternity Protection Convention (Revised), 1952 (No. 103) (ratified in 1975);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1961);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1971).

Information available to the ILO since the date of the Government's initial report

1. Equal remuneration

In its first report of 1965 on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government stated that the principle of equal remuneration of work of equal value is embodied in the labour law and that no distinction is made between the wages of male and female workers.

In its 1984 report, the Government stated that the regulations governing contract employees, promulgated by decision of the People's Commission of 27 charval 1391 H (14 December 1971), applies to both men and women.

The Government further indicated that in those sectors where women are employed in large numbers, the wages paid are fixed by individual contracts rather than collective agreements.

In its report of 1968, the Government announced that Law No. 15 of 1981 establishes a uniform salary system that applies to Libyan workers employed in public services and in the enterprises, institutions and agencies of the State. Under article 1 of the law, "the principle of equal remuneration is applied on the basis of equal responsibilities, account being taken of the basic needs of the persons concerned; the rates of remuneration are determined on the basis of rates of productivity established in accordance with the general rules laid down in the implementation clauses of the law".

In its 1992 report, the Government explained that since there are many foreigners in the country, appropriate legislative texts have been enacted to ensure remuneration without discrimination against women. It added, however, that the wages of foreign workers are still higher than those of nationals.

2. Equality in employment

In its first report of 1962 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government indicated that the provisions of the Convention are already being applied and put into practice.

In its 1973 report, the Government stated that article 4 of the Constitution proclaims that work is a right and duty of all nationals irrespective of religion, sex, knowledge of the Arabic language, social status and political ideology.

In its 1989 report, the Government indicated that it "attributes special importance to setting up educational and vocational training establishments and organizing the corresponding sessions for women with a view to encouraging them to obtain training for the various jobs on an equal footing as men. It added that in 1987, 455 women students took the courses given by the National Institute of Public Administration and that women's participation in the labour market increased substantially between 1970 and 1988. Moreover, a number of laws were promulgated enabling women to exercise important functions in the public administration and the court system and, at the 1989 People's

Congress, for the first time a woman was appointed to the post of general secretary in the secretariat of the Commission on Education".

In its 1992 report, the Government pointed out that Law No. 20 on the promotion of freedom stipulates in its article 1 that "citizens of the Jamahiriya, men and women, are free and equal before the law. Their rights shall be inviolable". And article 28 states that "women have the right to perform work suitable to them and not to be compelled to perform work incompatible with their nature".

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

> "With regard to the position of women in the labour force, the Committee notes that the number of women who are active in the job market has risen from 5.7 per cent in 1970 to 16.2 per cent in 1988 and to 19 per cent in 1991, that women wage earners predominate in the education and health sectors and that, according to the Government, they now occupy many posts in the State administration. The Committee also noted the efforts made to establish, finance and equip (particularly by installing sewing and embroidering machines) training centres in all municipalities as part of the programme for the family productivity centre of the People's Commission for Light Industry, which are intended to help women to participate in work and production. The Committee requests the Government to participate in work and production. The Committee requests the Government to continue to supply such detailed information. At the same time, it draws attention to paragraph 38 of the 1988 comprehensive survey on equal employment and occupation warning of the dangers of segregation in the workplace based on sex, which leads to a concentration of men or of women in different occupations and activity sectors. It hopes that the training centres provide access for women to all types of work and production and not only to those traditionally stereotyped as 'women's work'.
>
> With regard to action taken on part III of the Green Book, which suggests that women are being offered job and educational opportunities that differ from those offered to men, the Committee notes that the Government's explanation is that women enjoy equality at all levels of primary, secondary and university education and through training centres established by the Department of Vocational Training and geared to women's needs, such as those providing training in administration and finance,

industrial design and hotellery. The Government also mentioned its concern - without furnishing details on how that concern is demonstrated in practice - that women should participate in other fields of activity such as the medical and paramedical professions, teaching and the social security administration. The Committee once again wishes to draw the attention of the Government to paragraph 58 of its 1988 Survey and to request copies of the reports of the People's Commissions on Economic Planning mentioned in its report, noting the new developments in the training and employment of women in sectors other than education, health and small businesses like dressmaking. For example, what steps have been taken to implement the People's Commission's decision No. 164 of 1988 concerning the system of employment for Libyan women and Law No. 8 of 1989 concerning the right of women to access to the court system.

Having noted in the legislative texts supplied by the Government (particularly in the People's Commission's decision No. 416 of 1989) that the functions conferred on the People's Civil Service Commission have apparently been transferred following the reorganization of that body, the Committee of Experts requests the Government for information on precisely what entities are now in charge of the civil service and, in particular, for a description of the functions and activities of the bodies responsible for ensuring that there is no discrimination as regards access to jobs in the civil service or the modalities and conditions of employment of civil servants on any of the grounds cited in the Convention. The Committee would also wish to receive copies of the reports made by the People's Civil Service Commission or whatever body now exercises its functions, that would demonstrate the application of the principle of equality in employment and opportunity between men and women in the civil service".

3. Employment policy

In 1993, the Committee of Experts on the Application of the Convention on Employment Policy, 1964 (No. 122), made the following direct request:

"The Committee notes with interest the emphasis given to manpower training and the adoption of training plans for over 20 sectors. The report also mentions on-the-job training, the development of training opportunities for women and the establishment of vocational training centres for youth. The

Committee would be grateful if the Government could provide additional data on the measures taken with respect to training and their impact on the employment of women. In particular, it would welcome an indication of the results of the training measures aimed at strengthening the participation of women in economic activity. It specifically requests data showing how education and training policies are being coordinated with employment prospects, especially for youth".

4. Maternity protection

In its first report of 1991 on the application of the Maternity Protection Convention (Revised), 1952 (No. 103), the Government stated that under article 1 of the Labour Code, the Convention and its provisions on maternity protection do not apply to women in the following categories: domestic service and similar types of occupation, livestock breeding and farming (except for women working in plants processing farm products or shops that repair essential agricultural machinery), established or other civil servants employed in the government administration or by public agencies. The Government indicated that special regulations will apply to certain of those categories.

In addition, article 97 of the 1970 labour law provides that during the 18 months following the birth of a child, nursing mothers are entitled to two half-hour breaks each day in addition to the other breaks normally allowed.

In 1990, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

"Article 3, paragraphs 2, 3 and 4. (Duration of maternity leave). The Committee recalls that article 43 of the Labour Code provides that pre-natal and post-natal maternity leave shall be granted for a period totaling fifty (50) days whereas, according to article 3, paragraphs 2 and 3, of the Convention, maternity leave shall not be less than twelve (12) weeks, of which six (6) weeks must be taken after confinement. Moreover, the same article 43 makes the granting of a maternity leave contingent upon the completion of an apprenticeship period consisting of six months of consecutive service for an employer whereas the Convention does not impose any such condition on entitlement to leave. Lastly, the same article 43 makes no provision, as required under paragraph 4 of article 3 of the Convention, that when the birth occurs after the anticipated date, the leave taken prior to that date shall in all cases be extended until the actual

date of delivery without reducing the duration of the mandatory leave period granted following confinement. The Committee hopes that article 43 of the Labour Code will be amended soon along the lines indicated above, as the Government promised in its report.

Article 4, paragraphs 1, 4 and 8. (Cash benefits). According to the last paragraph of article 25 of Law No. 13 on social security and article 43 of the Labour Code, maternity benefits for women workers other than the self-employed are payable by the employer. Moreover, the Government stated in its report that the regulation to be adopted establishing the conditions, rules and guarantees relating specifically to maternity benefits will include a provision that the social security fund will pay insured persons entitled to those benefits in cases where the employer is not able to do so and will claim reimbursement from the latter whenever possible of the amount it has paid out. The Committee recalls in this connection that the Convention, in article 4, paragraphs 4 and 8, provides that maternity benefits shall be granted either under a compulsory insurance system or out of public funds and that in no case shall the employer be held personally responsible for the cost of benefits due to the women he employs. The Committee therefore hopes that the Government will re-examine the question in the light of those provisions of the Convention and will indicate the steps taken or planned to ensure full compliance with the Convention on that point.

Article 1 of the Convention. (Scope). In its previous comments, the Committee has noted that under article 1 of the Labour Code, the women workers mentioned under point 4, second paragraph, of this report do not come within the scope of the Code and consequently are excluded from its provisions on maternity protection despite the fact that they are covered by the Convention. The Committee had also noted that certain categories of those workers will be covered by special regulations. Since the Government's report does not contain information on that point, the Committee requests it to supply the text of those regulations and to indicate how those workers benefit from the protection provided by the Convention as it relates to article 3 (maternity leave), article 5 (nursing breaks) and article 6 (prohibition of dismissal)".

5. Night work

In its 1970 report on the application of the Night Work (Women) Convention (Revised), 1948 (No. 89), the Government, in response to the 1969 direct request of the Committee of Experts on the Application of Conventions and Recommendations, stated that a new labour law was adopted in 1970. Article 96 of that law provides that night work by women shall be prohibited from 8 p.m. to 7 a.m., that is, for a period of 11 consecutive hours, in accordance with article 2 of the Convention. The Government specified that certain categories of jobs will be exempted by statute.

In its 1976 report, the Government enumerated the conditions, jobs and circumstances permitting the employment of women between 8 p.m. and 7 a.m.:

"1. In the hotel and restaurant industries, as well as in theatres and similar establishments;

2. In the transport of passengers and goods by air, and in tourist offices;

3. During religious and national holidays;

4. In positions with executive responsibility;

5. In hospitals, clinics and similar institutions and in nurseries;

6. In commercial premises;

7. If the work that is not performed would obviously result in losses, in which case the Office of the Labour Inspector must be so informed 48 hours in advance and must signify his agreement in writing. He must also be notified of the duration of the job to be done.

8. In the case of workers on temporary or per day contracts, provided women are not employed before 5 a.m. and after 9 p.m."

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Madagascar

(Also see the ILO report to the twelfth session of CEDAW.)

Relevant ILO Conventions ratified by Madagascar

Madagascar has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1960);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1962);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1961);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1966);
- Maximum Weight Convention, 1967 (No. 127) (ratified in 1971).

Additional information received since the ILO report to the twelfth session

1. Equal remuneration

In its 1992 report on the application of the Equal Remuneration Convention, 1951 (No. 100), the Government has reaffirmed that there was no discrimination based on sex with regard to wages because the job and professional qualifications were the sole determining factors. However, it stressed that "for the moment it is very difficult to evaluate jobs objectively in order to apply the principle of equal remuneration to work of equal value. By itself, the Labour Department, with its modest means, could not undertake so extensive a survey".

Moreover, the Government is planning a revision of the 1975 Labour Code in collaboration with the National Labour Council, which has set up a

specialized committee to examine working conditions with particular attention to wages.

On questions relating to their application of the principle of equal remuneration for work of equal value, the worker or the trade union has recourse to the Office of the Labour Inspector or the Labour Tribunal for the settlement of disputes, particularly about job classification.

2. Equality in employment

In its 1993 report on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government stated that, as a result of the referendum held on 19 August 1992, Madagascar now has a new Constitution establishing the Third Republic. It provides:

> "Article 8. All nationals are equal before the law and shall enjoy the same fundamental freedoms protected by law.
>
> The State prohibits any discrimination based on sex, level of education, wealth, origin, race, religious belief or opinion.
>
> Article 27. Nobody may be harmed in his work or in his employment because of his sex, age, religion, opinions, origins and political convictions".

The Government added that with regard to discrimination based on sex, "substantial progress has been made: women now occupy responsible positions both in the public and private sectors and at the government and administrative levels: minister, general secretary, director general and director".

Women are also exercising professional duties in private companies either as company managers or directors. According to a source in the Ministry for Population, women make up 64 per cent of categories I and II of the civil service and 43 per cent of the entire administrative staff of the university; 73 per cent of women workers are employed in the Ministry of Health and the Ministry of Education.

However, it must be pointed out that the vast majority of those women work in the urban environment whereas the women in the rural areas are for the most part engaged in the traditional economic activities of Malagasy society.

According to a survey by the Employment Office, the volume of permanent jobs in the modern sector is estimated at 172,000. They are distributed in

751 establishments, 83 per cent in private enterprises, 5 per cent in mixed economy companies and 12 per cent in public agencies.

The survey shows that women's participation varies from one branch of economic activity to another:

1. Overall, by branch, women represent 17 per cent of the total workforce.

2. They represent over 50 per cent in the "manufacture of shoes and apparel" branch.

3. They occupy one out of 25 jobs in the "building and public works" branch.

4. Of the 17 per cent of women workers, 9 per cent are engaged in agriculture, 12 per cent in the service sector and 52 per cent in industry.

5. Of the 172,632 permanent jobs counted, 28,910 are occupied by women:

- 627 senior professional jobs compared with 4,690 held by men;
- 1,576 middle-rank professional jobs compared with 7,478 held by men;
- 11,499 qualified employee jobs compared with 31,252 held by men;
- 713 skilled manual jobs compared with 22,670 held by men.

In free enterprises, there are 1,081 women out of a total workforce of 2,351, including

- 4 senior professionals compared with 21 men;
- 7 middle-rank professionals compared with 29 men.

Equal access to employment and vocational training is categorically guaranteed by the Constitution and the laws and regulations in force.

Those provisions are reproduced in the Labour Code and in the Civil Service Statute.

3. Employment policy

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request concerning the application of the Employment Policy Convention, 1964 (No. 122):

> "The Committee notes that one of the 'paramount objectives' of the current phase of the Government's structure adjustment programme is to achieve an economic growth rate that exceeds population growth, to restructure the industrial sector and promote small and medium businesses, to improve the quality of education and to foster a social policy to benefit the most disadvantaged groups. To that end, as part of the social dimension of adjustment, the 'project for social action and support for economic management (PASAGE)' was developed in 1989. The Committee refers to article 1, paragraph 1, of the Convention, calling upon Members that have ratified the Convention to formulate and apply 'as an essential objective' an active policy to promote full productive and freely chosen employment. It is hopeful that the direction taken by the structural adjustment programme will not conflict with the objective of achieving full employment as defined by the Convention and that the Government will be in a position to supply information on the impact of the steps taken under the structural adjustment programme on the global situation, level and trends and on specific categories of workers such as women, youth, older persons and the disabled".

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Netherlands

Relevant ILO Conventions ratified by the Netherlands

The Netherlands has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1939);
- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1937);
- Night Work (Women) Convention (Revised), 1948 (No. 89);*
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1971);
- Maternity Protection Convention (Revised), 1952 (No. 103) (ratified in 1981);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1973);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1967);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1975);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1988).

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* Netherlands has denounced this Convention.

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made the following direct request concerning the application of the Equality of Remuneration Convention, 1951 (No. 100):

> "The Committee notes the information supplied by the Government in response to the Committee's previous comment regarding the surveys undertaken by the Wages Inspection Department (LTD), which disclosed some cases of non-conformity with the 1975 equal pay legislation. The Committee requests the Government to provide information on any progress made to overcome the problems identified by the LTD, as a result of the role taken by the Minister of Social Affairs and Employment under the new legislation.
>
> The Committee notes with interest the 1988 study undertaken by the LTD concerning equal pay in the retail trade sector, which noted that the 'breadwinner premiums' (which appear to be paid only to the person designated as the sole breadwinner in the family) are a form of indirect discrimination, in contravention of the Equal Treatment Act, 1989. The Committee would be grateful if the Government would supply further information concerning the allocation of these premiums in general and would indicate whether, in the light of this study, consideration is being given to reviewing the basis on which they are awarded.
>
> The Committee also notes with interest the information concerning the activities of the Equal Rights Commission, including the cases on equal pay dealt with by the Commission. The Committee requests the Government to continue to furnish such information, which indicates how the Convention is applied in practice, in its future reports".

In the 1992 observation,

> "The Committee notes that, commenting on the application of the Convention, the Netherlands Trade Union Federation (FNV) has stated that the various forms of flexible employment relationship (viz. homework, tele-work, freelance and stand-by work) which are undertaken mostly by women, are the primary source of pay

inequality. Women who carry out these forms of employment are unable to invoke any or most of the legislation proscribing discrimination because of the type of contract under which they are employed. According to the FNV, the choice of contract is mainly, if not entirely, determined by the employer (even though the employee does not object or personally opts for various elements of flexible employment). The FNV calls upon the Government to adopt a more energetic policy, including taking legislative measures, to ensure that the majority of workers engaged in these forms of employment do not remain outside the scope of legal protection. The FNV considers that such action would facilitate the elimination of large-scale inequalities in remuneration.

The Committee notes that, in responding to the above comment, the Government has stated that the problem of so-called flexible labour relations is considered to be an important policy issue in the country. The Government also states that Convention No. 100 does not specifically oblige Governments to take the action requested by the FNV.

In its previous direct request, the Committee had noted that pursuant to the equal pay provisions of the Equal Treatment for Men and Women Act, 1989, the basis for comparing remuneration is restricted to the wage normally received by a worker of the other sex in the same undertaking for work of equal value or, failing that, for work of virtually equal value (section 7(1)), whereas section 3(2) of the 1975 equal pay legislation also allowed for the possibility, in cases where no work of equal or approximately equal value was done by a worker of the other sex in the undertaking where the worker concerned was employed, of extending the comparison to the wage normally received by a worker of the other sex in an undertaking of as nearly as possible the same kind in the same sector for work of equal value or, in the absence of such work, for work of approximately equal value. The Committee had requested the Government to indicate the means by which women workers who are heavily concentrated in certain sectors of activity, where the possibilities of comparison may be insufficient at the level of the enterprise, may seek to have their claims for equal pay determined. The Committee notes from the report of the Government that the possibility for extending the scope of comparison to another undertaking, as provided for under the 1975 Act, was never used in practice for the reason that it is very hard to prove that differences in wages between

employees in different companies are based on sex discrimination, as this can easily be countered by stating that one company just pays better for work of the same value than another company. As the provision in question was never used, the Government did not include it in the new legislation.

The Committee recognizes that the question of determining how broadly comparisons between the jobs performed by men and women should be permitted is a particularly difficult aspect of applying the Convention. Nevertheless, it is evident that adequate possibilities for comparison must be available if the principle of equal pay is to have any application in a sex-segregated labour market. As the Committee stated in its 1986 General Survey, it is essential, in order to ensure equal remuneration in an industry employing mostly women, that there be a basis of comparison outside the limits of the establishment or enterprise concerned. This is not to say that factors affecting wage levels which are outside the scope of the Convention (such as geographical location, surplus or scarcity of particular skills or the pay policies of individual enterprises) are to be excluded from consideration. It is true that differences in remuneration for women employed in different enterprises but engaged in work of equal value may be due to the fact that one company pays its workers at a higher rate. However, there may be a basis for inferring discrimination on the basis of sex if, in examining the total wage structure of the enterprises in question, it becomes apparent that in one company there is a consistently wider differential between female and male employees than in another comparable enterprise. In this regard, the Committee recalls that the 1975 equal pay legislation also provided that where comparisons were made outside the undertaking (pursuant to section 3(2)), account was to be taken of "general differences in the wage structures of the undertakings concerned" (section 5(3)). While acknowledging the difficulties involved in broadening the scope of comparison, the Committee requests the Government to further consider how, in practice, women workers who find their possibilities for comparison insufficient at the level of the enterprise may seek to enforce their right to equal pay for work of equal value".

2. Equality in employment

In its report of 1992 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government

declared that information from 120 organizations was to be processed in its ongoing study of the subsidy scheme established to assist organizations to pay for certain expenses in drawing up positive action programmes for women in disadvantaged situations.

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request:

> "Noting the Government's figures showing that 72 per cent of women trained in women's vocational schools for the period 1990-92 found employment thereafter, the Committee requests the Government to provide further information concerning the opportunities for the training of girls and women at vocational centres and on any other efforts undertaken to provide women with a wider occupational choice".

3. Human resources development

In its report of 1990 on the application of the Human Resources Development Convention, 1975 (No. 142), the Government provided the following information:

> "The Directorate General for Manpower Services decided to introduce the so-called 5 per cent target for technical Vocational Training Centres (CVVs) in 1985. This means that a minimum od 5 per cent of the places at technical CVVs should be reserved for women. For 1989 the target was 10 per cent".

In its report of 1992, the Government stated that:

> "Women vocational schools aim to train women who have few qualifications, who are older than 25 years and who have not yet had a job or would like to restart employment after a long absence. Training covers traditionally male dominated occupations like computer science and business courses. The training assists women in finding jobs and it creates the terms with which women can start up their own businesses. Costs pre place are (on an annual basis) HFL14,400. In 1990 and 1991, 970 new women were placed. There was a success rate of 90 per cent, and on average 72 per cent entered into employment".

4. Maternity protection

In its report of 1992 on the application of the Maternity Protection Convention (Revised), 1952 (No. 103), the Government provided the following information:

> "On 2 March 1990 the Sickness Benefits Act has been altered: in the case of pregnancy and confinement, sickness benefits are granted to an amount of 100 per cent of the daily wage during a total period of 16 weeks".

5. Workers with family responsibilities

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request on the application of the Workers with Family Responsibilities Convention, 1981 (No. 156):

> "Article 1 of the Convention. The Committee would be grateful if the Government would provide in its next report information on how the term 'other members of their immediate family who clearly need care or support' is defined for purposes of applying the terms of the Convention".
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> Article 2. The Committee notes that workers employed for less than 20 hours a week and civil servants working less than 16 hours per week are excluded from entitlement to parental leave, both under the Parental Leave Act of 1990 and the civil service regulations. It also notes the temporary exclusion of employees of teaching hospitals from the provisions of the Parental Leave Act of 1990. The Committee would be grateful if the Government would provide information in future reports on any measures taken or contemplated to extend such coverage to those workers excluded from the above-mentioned provisions. It also requests the Government to kindly indicate whether the Parental Leave Act of 1990 covers employees regardless of their form of employment or whether it only covers employees who are employed in the formal legal sense pursuant to sections 1637(d) et seq. of the Labour Code.
>
> Article 4. The Committee would be grateful if the Government would continue to supply in future reports information on measures which have been taken or are contemplated, in addition to maternity and parental leaves, to enable working parents to

better integrate their work and family responsibilities, such as working time reduction, leave for taking care of sick children, flexible working hours, or the possibility to work at home. It also requests the Government to provide information on any social security benefits which exist or are contemplated to enable workers with family responsibilities of dependent children as well as of other members of their immediate family who clearly need care or support. In this connection, it would be grateful for information, if it is available, on the types of 'sole income-earner premiums' which exist in tax or social security legislation and the eligibility requirements for these premiums. Further, the Committee requests the Government to provide information on the eligibility requirements for subsidized day care and on the demand for such subsidization.

Article 5. The Committee notes the information in the Government's report concerning the provision of child care and it requests the Government to indicate in its next report whether the child-care facilities meet the present demand for such facilities and, if not, whether measures are being taken or contemplated to attempt to satisfy this demand. In this regard the Committee requests the Government to keep it informed of the implementation of the Government's policy on child care, including any evaluation of the implementation of said policy and progress achieved in this respect. The Committee would also be grateful if the Government would indicate whether any family services other than child care exist to assist workers in reconciling their work and family responsibilities with dependants other than children".

6. Night work

In 1972, the Government presented the "Instrument of Denunciation" concerning the Night Work (Women) Convention (Revised), 1948 (No. 89), ratified in 1954. The denunciation was registered on 26 February 1972 and took effect on 26 February 1973. The reasons put forward, inter alia, by the Government were that:

"In the last few years the social inequality which still exists between men and women has been more and more widely regarded as a discrimination which is no longer justified. Moreover, in terms of the production process it may be viewed as an obstacle to the performance of certain work by women which it could nevertheless be desirable for them to perform in view of the situation on the labour market".

7. Underground work

In its report of 1938 on the application of the Underground Work (Women) Convention, 1935 (No. 45), the Government declared that article 311, paragraph 1 of the provisions which are applicable to underground work contains, inter alia, the absolute prohibition for women to work underground.

8. White lead (painting)

In its report of 1947 on the application of the White Lead (Painting) Convention, 1921 (No. 13), the Government declared that article 8 of the 1920 labour provisions prohibits the employment of young people and of women in any painting work involving the use of white lead or sulphate of lead or other products containing these pigments.

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

(Also see the ILO report for the tenth session of CEDAW.)

New Zealand

Relevant ILO Conventions ratified by New Zealand

New Zealand has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45);*
- Night Work (Women) Convention (Revised), 1948 (No. 89);*
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1983);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1983);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1965).

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation on the application of the Equal Remuneration Convention, 1951 (No. 100):

> "The Committee has also noted the comments of the New Zealand Council of Trade Unions concerning the permissible scope of comparison for the purpose of determining equal pay. The Council states that comparisons can be made only between workers

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* New Zealand has denounced these Conventions.

employed by the same employer, whereas before the enactment of the Employment Contracts Act (1991), it was possible, through the registration of agreements, to ensure that wage parity was applicable to all workers within the occupation or industry covered by the Agreement. Of greater significance, states the Council, is the complete lack of any mechanism for ensuring that an occupation or skill which is performed largely by women workers is paid at comparable rates to those paid to workers in a comparable occupation or skill performed largely by males.

While acknowledging the difficulty in determining how broadly comparisons between the jobs performed by men and women should be permitted, the Committee observes that adequate possibilities for comparison must be available if the principle of equal pay for work of equal value is to have any application in a sex-segregated labour market. In order to ensure implementation of the principle in an occupation or industry employing mostly women, it is essential that there be a basis of comparison outside the limits of the establishment or enterprise concerned. The Committee requests the Government to provide information in its next report on the measures taken or contemplated to ensure the application of the principle of equal remuneration for work of equal value in respect of those women workers in the private sector who find their possibilities for comparison insufficient in their particular workplaces.

Recalling, moreover, that the Government Service Equal Pay Act, 1960, provides for the possibility of making comparisons with scales of pay in other sections of employment when women government employees perform work of a kind which is exclusively or principally performed by women (section 3(1)(b)), the Committee requests the Government to provide information concerning the use, in practice, of that provision.

The Committee has noted with interest the information provided by the Government on the measures taken to promote equal remuneration (outlined in the Government's response to the Recommendations of the Working Party on Equity in Employment, January 1991). Particular note has been taken of the publication and wide distribution of the manual, "Equity at Work: An Approach to Gender Neutral Job Evaluation" (State Services Commission, July 1991) which was developed to overcome gender bias in traditional job evaluation systems. The Committee has also noted that an Equal Employment Opportunities Trust will be established by the

Government with private sector employers to promote equality. Significant funding has also been committed by the Government to promoting equality in the private sector".

2. Equality in employment

In 1993 the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

"In its previous observation, the Committee noted that, following the repeal of the Employment Equity Act, 1990, the Government established a Working Party on Equity in Employment to evaluate equal employment opportunity initiatives and report to the Government on the most effective means of developing and implementing its equity in employment policy. The Working Party's report, dated January 1991, discussed equal employment and training opportunities for women, the Maori people, Pacific Island people, people with disabilities and other groups identified as disadvantaged and contained key recommendations on the enactment of legislation requiring employers to develop, implement and monitor equal employment opportunities programmes, as well as on the establishment of a Council for Equity in Employment funded jointly by the Government and the private sector. The Committee notes from the information supplied by the Government in July 1991 and in its last report that the Government prefers a non-legislative approach to equality in employment. It preferred the creation of a joint private/public sector Equal Employment Opportunities (EEO) Trust, funded by government and employer contributions, to develop and promote EEO policies and practices, as well as to research in this area, primarily in the private sector. The Trust is to report annually to Parliament in its activities and the progress achieved towards the development and implementation of EEO policies and practices in the private sector. The Government also established an Equal Employment Opportunities Fund for the promotion of EEO programmes and practices in the private sector.

The Committee notes that the Government intends to monitor progress achieved towards an equal employment opportunities environment in the private sector through the educational, promotional and research work of the EEO Trust and the results of the projects supported by the EEO Fund, and requests it to provide, in its next report, full information concerning (i) equal

employment opportunity plans in the private sector and (ii) the activities of and the results achieved by the EEO Trust and the EEO Fund in the promotion and implementation in practice of equality of opportunity and treatment in employment as well as equal access to education and vocational training".

In its report of 1992 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government provided the following information:

"The Government has decided to replace the Human Rights Commission Amendment Bill currently before the Justice and Law Reform Select Committee with a new Human Rights Bill. This Bill will revise and replace the Race Relations Act 1971 and the Human Rights Commission Act 1977. The Government is yet to decide on the grounds of prohibited discrimination to be included in that Bill. However, social origin is not one of the grounds currently being considered for inclusion".

With the repeal of the Labour Relations Act, 1987, in May 1991 the personal grievance provisions relating to sexual harassment and discrimination under the Labour Relations Act were retained as grounds for a personal grievance under the Employment Contracts Act, 1991.

In 1991, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

"In its previous observations under Conventions Nos. 100 and 111, the Committee noted that the Government had agreed in principle to the enactment of an Employment Equity Act which would incorporate the concepts of pay equity and of equal employment opportunity in the public and private sectors. The Committee notes that the Employment Equity Act, 1990 came into force on 1 October 1990 but was repealed in December 1990. According to information communicated by the Government, action to repeal the legislation was taken because the Government did not consider that greater equity in employment opportunity would be achieved through the highly prescriptive and centralized procedures put into place by the Act. The Committee also notes the comments communicated by the New Zealand Employers' Federation prior to the repeal of the Act. The Federation stated that the legislation, which allowed for a comparison of jobs in different employing organizations with different employers involved and which provided for third-party

decisions as to the wages subsequently payable, would inevitably have an inflationary outcome and result in job loss, thereby having an adverse effect on those it was intended to assist. The Federation also stated that, though it had been a long-term supporter and promoter of equal opportunity on a voluntary basis, it was most concerned that the kind of target-setting envisaged under the legislation would lead to tokenism and appointments made on grounds other than merit.

The Committee notes that, following the repeal of the Employment Equity Act, the Government established a Working Party on Equity in Employment to evaluate equal employment opportunities initiatives and report to the Government on the most effective means of developing and implementing its equity in employment policy. The Working Party's report, which was submitted in January 1991, included recommendations in the areas of systemic barriers to, and programmes for, equal employment opportunities, education and child care. The Working Party also discussed equal employment opportunities for Maori and Pacific Island peoples and for people with disabilities. Key recommendations concerned the proposed enactment of legislation requiring employers to develop, implement and monitor equal employment opportunities programmes; and the establishment of a Council of Equity in employment funded jointly by the Government and the private sector. The Government says it is considering the recommendations of the Working Party prior to releasing details of its equity in employment policy".

3. Employment policy

In its report of 1992 on the application of the Employment Policy Convention, 1964 (No. 122), the Government provided the following information:

"The Government is committed to full employment. The Government stated in the 1992 budget that the current high level of unemployment is the number one social problem facing New Zealand. The 1992 budget stated that the key to solving the unemployment problem is sustained economic growth and a flexible labour market that can respond to growth. The Government has outlined a strategy for creating sustained economic growth, raising skill levels and specific programmes for the long-term unemployed. The commitment to full employment is not, however, inscribed in any legislation or other formal document.

Between June 1990 and June 1992, total employment has fallen by 17,100 (1.2 per cent). Over the same period, the number of people unemployed has increased by 42,800 (36.0 per cent), and the total number of people in the labour force has increased by 25,700 (1.6 per cent).

Table 5. Employment by sex and ethnic group, June 1992

Ethnic group	Numbers (000's)			Participation rate (%)		
	Male	Female	Total	Male	Female	Total
European	712.0	554.6	1 266.6	73.2	54.5	63.7
Maori	56.2	47.1	103.3	70.9	49.6	59.5
Pacific Is./Polynesian	26.0	20.8	46.8	73.5	49.8	61.1
Other	23.2	18.4	41.7	71.8	52.5	61.9
Not specified	-	-	-	50.5	61.0	54.6
Total	817.6	641.0	1 458.6	72.9	53.8	63.2

Source: Department of Statistics, Household Labour Force Survey.

Male unemployment increased from 73,200 to 97,900 over the last two years (33.7 per cent), compared with an increase from 45,600 to 63,700 for females (39.7 per cent).

People continue to be more likely to be unemployed if they are Maori or Pacific Island Polynesian. These two groups also experienced the largest increases in numbers unemployed over the last two years, with unemployment amongst those of Maori or Maori/European origin increasing from 24,800 to 34,900 (40.7 per cent), and amongst Pacific Island Polynesians from 9,700 to 15,600 (60.8 per cent) respectively. This compares with an increase of 31.9 per cent for those of European origin".

The Equal Employment Opportunities Policies has two components: Maori and Women. In the Women's component:

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"The women's employment coordinator advises employment centres on issues involving women in the workforce, and designs programmes to assist women into work. Recent initiatives included a video for Maori women job seekers and advice for women returning to paid work after being out of the workforce. The Women's Employment Strategy aims to improve the placement of Maori women into work: develop measures to encourage Pacific Island women to register with the NZES and be assisted to find work; monitoring and increasing the placement of women into non-traditional occupations".

4. Night work

In 1987, the Government presented the "Instrument of Denunciation" concerning the Night Work (Women) Convention (Revised), 1948 (No. 89), ratified in 1950. The denunciation was registered in March 1981 and took effect as from 19 March 1982. The reasons put forward by the Government were that:

"In accordance with the principles adopted by the ILO Governing Body, the New Zealand Government has consulted with the representative organizations of employers and workers, namely the New Zealand Employers' Federation and the Federation of Labour (as well as the State Services Coordinating Committee and the Combined States Unions), to advise them of the Government's intentions and seek their views and advice. These consultations have primarily taken place within the New Zealand Steering Committee on Night Work Research.

Both in the course of the Committee's discussions and on other occasions the employer and worker representatives have demonstrated their support for denunciation as the first step in implementing a coherent policy on shift work and as a prime move towards full equality of opportunity in general. It is considered that prohibiting night work in factories but ignoring other forms of night employment which are inherently more dangerous, such as police work, nursing and public transport, is discriminatory rather than protective and runs contrary to the spirit of the New Zealand Human Rights Commission Act 1977, which was enacted in order that New Zealand could ratify the International Covenants on Human Rights".

5. Underground work

In 1987, the Government presented the "Instrument of Denunciation" concerning the Underground Work (Women) Convention, 1935 (No. 45), ratified in 1938. The denunciation was registered in June 1987 and took effect from 23 June 1988. The reasons put forward by the Government were that:

> "There is a general consensus that the Convention ignored the principles of equality laid down in international human rights instruments and embodied in New Zealand law. Continued adherence to the Convention would overlook the fact that dangerous and harsh working conditions are equally harmful to men as women, and that improvements in working conditions and changes in public attitudes and social circumstances combine to make many traditional views of women and work obsolete. Further, it is felt that women should no longer be denied access to the increased job opportunities opening up in coal mining in recent years".

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Norway

Relevant ILO Conventions ratified by Norway

Norway has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1929);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1959);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1959);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1966);
- Human Resources Development Convention, 1975 (No. 142) (ratified in 1976);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (ratified in 1982).

Information available to the ILO since the date of the Government's initial report

1. Equality of remuneration

In 1992, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following observation on the application of the Equal Remuneration Convention, 1951 (No. 100):

> "The Committee notes the Government's statement that the number of complaints made to the Equal Status Ombud concerning equal pay contraventions under section 5 of the Equal Status Act seem to have become stabilized at a relatively low level in

relation to the pay inequalities that still exist. The Government emphasizes that though it is not unusual for wage inequalities to be corrected without reference to the Ombud (especially as employee organizations have been making more active use of the Act) it must conclude that the public still has too little information about the Act and the mechanisms of appeal. Moreover, states the Government, it is also likely that some of those with the necessary knowledge choose not to complain: the high rate of unemployment is probably one explanation for this situation.

As to the nature of the complaints dealt with by the Ombud, the Committee has noted that most complaints concern basic remuneration; complaints with respect to other supplements, bonuses or benefits have diminished. The Committee notes with interest, however, that the Ombud has initiated an inquiry into a private sector agreement which excludes from severance pay those employees filling less than 50 per cent of a position. It notes that the Ombud will consider whether this represents indirect discrimination in view of the fact that those excluded from the agreement are primarily women.

The Committee has also noted that some questions of principle have been determined by the Equal Status Appeals Board and by the Labour Disputes Court concerning the scope of comparison for the purposes of equal pay. For example, it has been determined by the Appeals Board that comparisons in job appraisal do not have to be made between workers who are employed concurrently; and a judgement of the Labour Disputes Court has recognized that different occupations may be regarded as comparable if there are similarities as regards training for the occupation and the job assignments involved and if the employees in the different occupations work with some degree of collaboration at the same workplace. In this connection, the Committee notes that the Equal Status Ombud considers that comparisons between workers with different types of specialized training should be further encouraged. Noting also from the report that the Equal Status Act is at present under revision, the Committee requests the Government to provide information on any amendments made to the Act; and to continue to furnish details on the outcome of equal pay matters dealt with by the Ombud and the above-mentioned courts.

The Committee notes that as part of a modernization of the public sector, new wage determination systems have been introduced

for the central and local governments. The objective of this initiative is to provide greater flexibility and opportunities for the differentiation of pay according to education or training, practice of competence, to improve the possibility of recruiting and keeping qualified workers by reducing the differences in pay between the private and the public sectors; and to decentralize decision-making and give individual undertakings the opportunity to use pay as a means of achieving better results.

The Committee further notes that the Equal Status Ombud and the Equal Status Council have drawn the attention of the Minister of Labour and Government Administration to the need to ensure that these flexible wage systems do not increase pay inequalities between women and men. These bodies have pointed out that the criteria for determining wages must be non-discriminatory in practice. They have stated in this regard that while many criteria are theoretically neutral as regards gender (e.g. willingness to work overtime, to take on jobs with difficult working hours) in practice they create greater difficulties for women than for men because women still bear the main responsibility for caring for their families. Thus requirements are needed to link performance specifically with work done during normal working hours (with appropriate adjustments for part-time work); and it is necessary to stipulate that absence in connection with statutory maternity leave must not have negative consequences for performance evaluation. The equal status bodies have also pointed out that, in hiring, it must be recognized that women and men have different ways of marketing themselves and men often find it easier both to make demands and to have them accepted. Further, existing pay inequalities between women and men will be aggravated if a decisive weight is given to the fact that an applicant is considered to have a high market value or already occupies a highly paid position.

The Committee would be grateful if the Government would continue to report on the impact these new wage-fixing systems have on the application of the Convention.

The Committee notes with interest that the Federation of Trade Unions denoted equal remuneration as one of their priority areas for the period 1990-93. In this connection, it notes that a committee of representatives from employers' and workers' associations was appointed during the collective wage agreement negotiations to discuss possible strategies for achieving equal

remuneration; and that this has taken the form of a project aimed, inter alia, at investigating ways of making job appraisal systems into appropriate instruments for reducing pay inequalities. The Committee requests the Government to furnish details concerning this project".

2. Equality in employment

In its report of 1993, the Government provided the following information:

"In 1989, the number of people in employment was 2,049,000, consisting of 1,136,000 men and 915,000 women. In the first half of 1992, the number of employed had decreased to 1,996,00 persons (1,089,000 men and 907,000 women).

Two hundred and sixteen thousand people were not in paid employment, but did domestic work at home. Of these, 212,000 were women.

Marriage is today of little consequence for women's relationship to the labour market. After childbirth, most women go back to work after a period of maternity leave. In two thirds of the families with small children both parents are employed. Single mothers are working to a somewhat greater extent than married ones".

3. Employment policy

In its report of 1993 on the application of the Employment Policy Convention, 1964 (No. 122), the Government provided the following information:

"Employment and the total labour force

According to the labour market survey (AKU) of the Central Bureau of Statistics, there was a marked fall in employment - by 35,000 - from the first half of 1990 to the first half of 1992. Employment fell by 34,000 for men and 1,000 for women. The drop was most pronounced in manufacturing, construction and the primary industries. The competitively exposed sector accounted for more than 64 per cent of the total decline in employment in the same period.

Unemployment

Together with an increase in the population of working age, the weak demand for labour has led to marked growth in unemployment from the first half of 1990 to the first half of 1992. Registered unemployment rose by about 21,000 (22 per cent) in this period. Women accounted for about 35 per cent of registered unemployment".

The Government declared that:

"One goals of the labour market services, is to forward equality of status between the sexes in the labour market policy. This aspect shall be integrated in the different activities of the labour market services, such as employment services, and the labour market measures.

The labour market service continues its heavy involvement in measures to help widen women's choice of occupation and to increase their opportunities of employment. Central and local plans have been drawn up and are followed up by special advisory officers attached to all county employment offices. There has been an increase in motivation and information measures for women.

Wage subsidies to employers who take on women in male-dominated occupations and men in female-dominated occupations have mainly been used to motivate young girls to take on apprenticeships in male-dominated occupations.

Concerning projects to break down the gender-divided labour market:

The JOB-PROFILE projects is a Nordic collaborative project with the aim of developing and trying to motivate industrial employers to take care of women's qualities and stimulate their resources/technical skills in various industrial activities".

4. Human resources development

In its report of 1993 on the application of the Human Resources Development Convention, 1975 (No. 142), the Government provided, inter alia, the following information:

"The majority of both boys and girls continue to choose their education in subjects and lines of study which are

traditional for the two sexes. However, the proportion of women in typical male-dominated subjects, such as economics and administration, medicine, law and engineering, has risen.

Girls make up 54 per cent of the students who complete university or college courses at first-degree level, 40 per cent at third-degree level, but only 15 per cent who complete at fourth-degree level.

In some countries, courses for girls in male-dominated jobs have been arranged with the intention to build up support and network for the participants.

Business establishment courses for women have been held in a number of counties".

The Government also informed that "as adopted on 12 June 1987, the first paragraph of section 8 of the NIS Act authorized deviation in collective agreements from a number of provisions in Act No. 18 of 30 May 1975, the Seamen's Act, including section 13 on pregnancy and birth, etc. The amendment in Act No. 20 of 31 May 1991 entails that it will no longer be possible to deviate from section 13 in respect of service on ships registered in the Norwegian International Ship Register".

5. White lead (painting)

In its report of 1931 on the application of the White Lead (Painting) Convention, 1921 (No. 13), the Government declared that the Act of 24 May 1929 contains a provision "regarding the prohibition of employing males under 18 years of age and all females in any painting work of an industrial character, involving the use of white lead".

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Senegal

(Also see ILO reports for the seventh and eighth sessions of CEDAW.)

Relevant ILO Conventions ratified by Senegal

- White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1960);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1962);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1962);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1967);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1966).

Additional information received since the ILO report to the twelfth session

1. Equal remuneration

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made the following direct request concerning the application of the Equal Remuneration Convention, 1951 (No. 100):

> "The Committee notes the Government's assertion that women generally work in the food industry and in the various branches of agriculture or as house servants. The Committee would appreciate information on the application of Ministerial Order No. 974 (MFPTDE-DTSS) of 23 January 1968, which fixes the general working conditions for domestics and house servants, in order to ensure that the principle of equal remuneration for work of equal value is being applied. It further requests the Government, in its next report, to supply information on the relative numbers of men and

women, at the various levels, in sectors which employ a high proportion of women, particularly the food industry.

The Committee notes that the wages in branches of the economy that are not governed by collective agreements are fixed by order of the Ministry of Labour. It requests the Government to communicate the ministerial orders that may have been issued with respect to the wages in branches of the economy not governed by collective agreements (domestics and agricultural occupations, for example).

The Committee notes that infringements of the Convention with respect to wages observed by regional labour inspections are on the rise and would appreciate data on the steps taken to correct cases of non-compliance as well as any other measures taken or planned to ensure or promote the effective implementation of the principle of the Convention.

With regard to the public sector, the Committee notes that the report gives no details on the system of remuneration determined by Law No. 61-33 of 15 June 1961 and once again requests the Government to communicate the decrees that may have been adopted in application of article 27 of that law fixing scales of wages and allowances and the regulations governing supplementary emoluments (copies of the texts implementing Law No. 61-33 were supposed to have been attached to the report, but were not received). It further requests that the Government explain whether a job evaluation system is now being applied".

2. Equality in employment

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made the following direct request concerning the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111):

"The Committee notes that the Government asserts that awareness campaigns to prepare girls for access to jobs traditionally held by men were being continued indefinitely through the mass media. It recalls the earlier Government observation on the subject to the effect that, in conjunction with a public information campaign, it planned to increase the awareness of employers concerning access by girls to those jobs. It would be grateful if the Government, in its next report, would supply information on the general methods used to secure the

cooperation of employers' and workers' organizations and other appropriate agencies in promoting acceptance and application of the national policy of promoting equal opportunities and equal treatment in employment and occupation, including vocational training, and of eliminating any discrimination based on sex, in conformity with articles 2 and 3 of the Convention.

Noting that there is no reply from the Government concerning its earlier comments relating to the Office for Vocational Training (ONFP), the Committee once again requests the Government to provide information on the aspect of ONFP's activities concerned with the vocational training of women and on any positive practical action to facilitate the access of women to training and employment, in particular in jobs traditionally held by men".

3. Employment policy

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made the following direct request concerning the application of the Employment Policy Convention, 1964 (No. 122):

"The Government refers to programmes to promote employment in the urban and rural informal sectors that include measures to foster credit availability to support the most modest initiatives and to encourage the initiators to organize in economic interest groups. It also mentions the National Plan of Action for Women. It is requested to supply detailed information on the execution of each of those programmes, the difficulties encountered and the results obtained.

The Committee has also been informed of the relevant technical cooperation activities of the ILO. It notes that the ILO is responsible for executing the support project for defining and implementing a national employment policy under the fifth UNDP programme in Senegal. The Committee observes that one of the objectives of this programme is adoption of a National Employment Programme (1992-1995), development of appropriate implementation and evaluation instruments, adaptation and integration of programmes for job insertion, reinsertion and creation now being executed under the National Employment Programme. It is confident that this project will result in a better implementation of the Convention. It invites the Government to indicate to what extent it will have contributed to the formulation and application, in

consultation with the representatives of those concerned, of an active employment promotion policy in accordance with articles 1, 2 and 3 of the Convention".

In its report, the Government mentions an indicative figure of 629 million francs as its allocation to women's groups for the period 1990-1991.

REPORT OF THE INTERNATIONAL LABOUR OFFICE UNDER ARTICLE 22 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

(Thirteenth session of CEDAW)

Zambia

(Also see the ILO report for the twelfth session of CEDAW.)

Relevant ILO Conventions ratified by Zambia

Zambia has ratified the following ILO Conventions, which deal specifically with women or contain provisions dealing specifically with women:

- Underground Work (Women) Convention, 1935 (No. 45) (ratified in 1964);
- Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1965);
- Equal Remuneration Convention, 1951 (No. 100) (ratified in 1972);
- Maternity Protection Convention (Revised), 1952 (No. 103) (ratified in 1979);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1979);
- Employment Policy Convention, 1964 (No. 122) (ratified in 1979);
- Termination of Employment Convention, 1982 (No. 158) (ratified in 1990).

Information available to the ILO since the ILO report submitted to the twelfth session

1. Equality of remuneration

In 1993, the Committee of Experts on the Application of Conventions and Recommendations made, inter alia, the following direct request on the application of the Equal Remuneration Convention, 1951 (No. 100):

The Committee notes that the new Industrial Relations Act of 23 January 1991 makes it compulsory to inform works councils of decisions taken by employers affecting, inter alia, job evaluation (section 106) and gives them the right of veto over certain decisions (the recruitment of new employees and the assessment of their salaries and the payment of bonuses and incentives: section 107). The Committee requests the Government to inform it of any cases in which the problem of the application in practice of these provisions has already arisen.

2. Equality in employment

In its report of 1992 on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Government declared that the Industrial Relations Act of 23 January 1991 repeals the Industrial Relations Act of 1971, and provides alleged victims of discrimination on grounds of race, colour, sex, marital status, religion, political opinion or affiliation, tribal extraction or social status with a complaint procedure before the Industrial Relations Court (sections 129(1) and (2)).

3. Employment policy

In its report of 1992 on the application of the Employment Policy Convention, 1964 (No. 122), the Government informed that:

"Contrary to what was submitted in the previous report, self-help approach in agriculture has not been very successful as a result of which no real impact has been felt because the cropping season was generally unfavourable throughout the country due to the significant rainfall deficits and the dry spell. Shortage of both basal and top dressing fertilizers due to the late arrival of the imported fertilizer was another problem. In order to step up self-help approach to agriculture, increase production and make the programme more effective so as to be able to provide employment, there is need to improve institutional support services like credit, pricing policies and timely supply of inputs such as seed and fertilizer. The Government is fully committed to redress the apparent problems".

4. Maternity protection

In its reports of 1993 on the application of the Maternity Protection Convention (Revised), 1952 (No. 103), the Government declared the following:

"It is desired to point out that at present Zambia has no comprehensive security scheme, but measures are being taken to establish this scheme as soon as logistics have been worked out. It is envisaged that the scheme will be non-discriminatory.

The Act provides a maternity leave of twelve (12) weeks in line with paragraph 2 of Article 3 of the Convention. As regards how this leave should be taken this is left to the women concerned to determine the manner in which they would like to take the maternity leave. The other consideration the State has taken for not enacting into law on how the maternity leave should be apportioned is due to custom and practice whereby women like to take leave of longer duration after delivery.

The Committee's concern on minimum duration of employment for eligibility in respect of sick leave specified in article 54 of the Employment Act is noted. However, it is desired to point out that in practice this provision is not a hindrance as such because female workers who become sick, arising out of or connected with pregnancy, are granted sick leave with full pay without any consideration of minimum qualifying period.

The minimum qualifying period in the Act is not strictly referring to cases of maternity but is of general application. The intent of section 15A(3) of the Employment (Amendment) Act No. 18 of 1992 was not, as has been implied by the Committee, to restrict availing pregnant working women to sick provisions on account of qualification. The practical application of the provisions is that each time a pregnant working woman falls ill as a consequence of pregnancy, the employer grants he paid sick leave on production of a medical certificate. This is done either before or after delivery.

Concerning extension of maternity due to illness, it is desired to point out that a woman on maternity leave who falls ill as a result of pregnancy by it before or after confinement may avail herself to the provisions of section 54 of the Employment Act, Cap. 512 of the Laws of Zambia. The effect of this is that, whether or not a woman falls ill before or after confinement, as long as she produces a medical certificate, she will be granted sick leave with full pay.

Medical benefits are provided by the state medical services, the Zambia National Provident Fund provides cash grants and the

employer pays the wages. The maternity benefits in totality are therefore provided by the State, Zambia National Provident Fund and the employer".

The Government attached a copy of the Minimum Wages and Conditions of Employment (General) Order, 1990 - statutory instrument No. 106 of 1990 - which makes the following provision:

"4.1 Maternity leave

(i) A female employee shall be entitled to 90 days paid maternity leave on production of a medical certificate as to her pregnancy signed by a registered medical practitioner provided she has completed two years continuous service from the date of first engagement or since the last maternity leave was taken.

(ii) Maternity leave granted under this regulation shall be exclusive of any other leave to which the employee may be entitled.

4.2 Special leave

(i) An employee shall be granted three days' leave on the occasion of his marriage.

(ii) An employee shall be granted seven days' paid leave on the death of wife, husband, child, mother or father".

It also attached a copy of the Minimum Wages and Conditions of Employment (Shop Workers) Order, 1990 - statutory instrument No. 107 of 1990 - which makes the following provision:

"9. Maternity leave

(i) A female employee will be entitled to 90 days' paid maternity leave on production of a medical certificate as to her pregnancy signed by a registered medical practitioner provided she has completed two years' continuous service form the date of first engagement or since the last maternity leave was taken.

(ii) The maternity leave granted under this paragraph shall be exclusive of any other leave to which the employee may be entitled.

/...

(iii) In case of illness which arises out of pregnancy and results in a female employee becoming temporarily incapable of performing her official duties, such employee shall be entitled to sick leave in accordance with the provisions of paragraph 8 of this Schedule".